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A MEMOIR

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Charles Francis Donnelly

A Memoir

... an Account of the Hearings on a ... of Private Schools in Massachusetts in ...

Katherine E. Conway

Mabel Ward ...

For Private Distribution

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Charles Francis Donnelly

A Memoir

With an Account of the Hearings on a Bill for the Inspection of Private Schools in Massachusetts in 1888-1889

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Mabel Ward Cameron

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Dedicated
TO THE REVERED MEMORY OF
John Joseph Williams
FIRST ARCHBISHOP OF BOSTON

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PREFACE

This book had its germ in the proposition advocated by me during my husband's lifetime of publishing an epitomized report of the proceedings before the Legislature of Massachusetts during the years 1888-1889, which led to the undisputed legal establishment of the rights of Catholics to maintain private parochial schools in the Commonwealth.

As the success which Mr. Donnelly achieved in this instance is considered by jurists as epoch making, not alone for Massachusetts, but for the whole United States as well, I feel now, more than ever, that it is my duty to preserve a record of his work in an easily accessible form for reference.

My lasting regret will ever be that this was not done during Mr. Donnelly's lifetime and under his direct supervision. His sympathies were broad and his heart was overflowing with a spirit of kindness towards all men. While maintaining the rights of Catholics he fought their battles without rancor and with the most judicial acumen.

In justice to his memory I wish it understood that the record of his work accomplished in the Catholic cause is given here at this time in no spirit of animadversion but solely as a matter of history. There is no desire on my part to emphasize or reopen the misunderstanding of a quarter of a century ago.

It will always be the source of the greatest satisfaction to me that the services of Miss Katherine E. Conway could be enlisted in the compilation of this work. She attended the Sessions of the Legislature in 1888-1889, at which these momentous questions were discussed, and her account of what transpired there is an accurate one.

Although the establishment of the legal status of parochial schools in Massachusetts is the reason for this book, nevertheless, it was but one of many achievements of a life devoted to the physical and mental welfare of others.

Even with the all too brief mention of other work, this record in no way expresses the full extent of an extremely noble and versatile character.

AMY COLLINS DONNELLY.

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CHARLES FRANCIS DONNELLY
A MEMOIR

CHAPTER I

A man's heritage, both mental and physical, is derived not alone from his parents but from all his forefathers as well. For this reason the following memoir would be incomplete without at least a brief consideration of the ancestral environment of the subject.

The tracing of the lineage of Irish families is especially interesting to a student of genealogy because the ancient Irish, more than any other European nation, were scrupulously particular in the matter of keeping their family records.

In the days of the minstrels and heralds the narrative genealogies were sung, but eventually the records were committed to manuscript. During their sessions of parliament representatives of the distinguished families of the Milesian race sat in the great hall of Tara under their respective escutcheons. The Irish were the first of European peoples to use badges of distinction, and their orders of chivalry long antedate the birth of Christ. Upon the introduction of Christianity learning was fostered under the teaching of the saints, and Ireland became the great educational center of Europe. One of the duties of the learned monks was to transcribe the genealogical records of the various Irish septs. Some of these beautiful

manuscripts have been preserved and their contents published to delight the modern scholar of antiquarian taste.

In a family belonging to one of these ancient septs Charles Francis Donnelly had the good fortune to be born. The name is associated with several localities, and in each instance the O'Donnellys were chiefs and possessed of large estates. They trace their descent from Milesius, king of Spain, who with his eight sons sailed to the fair land of Innisfail, or Ireland. These were the Gaels of Irish history whose arrival is said to have taken place about 1700 B.C., and who brought with them the Brehon, or old Celtic laws, the most ancient code of Europe, which had for their central principle the unity of the family. Through the branch of Heremon, one of the voyaging sons, the descent is traced to Nial of the nine hostages (A.D. 382-408), the one hundred and twenty-sixth monarch of Ireland, who reigned as high king for twenty-seven years. His son Eogan, from whom the county of Tyrone in Ulster takes its name (Tir-Eogan, the land of Eogan), was the ancestor of the northern Hy-Nials and the founder of the O'Donnelly family. Members of this sept were chiefs in Tyrone, at Ballydonnelly the town of the Donnellys (now called Castle Caulfield), and at other places.

In the ancient annals the name is found variously spelled as Ua Donngaile, O'Dongealaighe, O'Dunghaile, and O'Donnghalie. Anglicised it has taken the form of O'Donnelly and O'Donally. The prefix O', a modernized form of the Gaelic *Ua,* meaning grand-

son, or descendant of, has been dropped by the American branch of the family.

A coat-of-arms as confirmed to one member of the Donnelly sept is given in Burke's General Armory: "Ar. two lions ramp. combatant, supporting a dexter hand couped appaumée between three mullets, two and one gu. pierced of the field, in base the sea, therein a salmon naiant ppr. Crest—a naked arm embowed grasping a straight sword ppr. hilt and pommel or, encircled with a pointed Irish crown of the last. Motto—Lamh dearg eiren."[1]

The grandfather of Charles Francis was Dominick Donnelly, a native of Clogher, Tyrone. His sept gave at least three bishops of the name to his native diocese of Clogher. Members of the family were always strong adherents of the National cause. Three were members of parliament from Tyrone, under the Stuarts; five brothers, with many others of the sept, fell, holding the bridge at the battle of the Boyne; four were decapitated for fighting against Cromwell, and their heads placed conspicuously in the market place at Omagh, the shire town of the county.

Dominick Donnelly, who was born in 1725 and lived to be one hundred years old, came of a long line of classical scholars and teachers. He was a man of broad culture, and was a teacher of Latin at Clogher. He married Rose McKenna, and they were the parents of five children: Hugh, James, Mary, Jane, and Patrick.

[1] A variant of this coat is illustrated in *A Genealogical History of Irish Families* by John Rooney, plate 8, No. 163. See also *Armorial Families* by Fox-Davies.

James entered the priesthood and became the Very Reverend, the Vicar General of the diocese of Kerry about 1824. Eventually Hugh and Patrick came to America. Hugh Donnelly, born at Clogher about 1790, died in Providence, Rhode Island, May 28, 1868. He first established his home in Athlone, county Roscommon, Ireland, where he conducted a successful business as a woolen draper. His first wife, Barbara O'Sullivan,[1] died leaving two daughters: Anna Maria who died young, and Barbara Amelia who married William McNamara and lived in St. John, New Brunswick, Canada. He married, second, about 1833, Margaret Conway, who was a relative of Bishop Sughrue of Killarney.

Eight children were born to them: Rosanna M., Sister Vincentia of the Teaching Sisters of Charity, of St. John; Charles Francis, the subject of this memoir; James Frederick, William Hugh, a soldier in a New Hampshire regiment during the Civil War; Michael John, who became a priest of the diocese of St. John; Eleanor Margaret and Isabella H. (both of whom died in early youth); and Joseph Henry.

The Conway family was of Welsh-Irish stock originating in the west of Wales. Mrs. Donnelly's grandfather married a Miss Ward, of the city of Galway. Their son, Michael Conway,[2] the father of

[1] Barbara O'Sullivan was related to Margaret Conway, his second wife, both on her father's and mother's side—the O'Sullivans and Dorans. A near relative was McFinnan Dhu, i. e., a son of Black Florence O'Sullivan. His home was between Killarney and Kenmare, where he dispensed much hospitality.

[2] Martin Conway, brother of Michael, was in the Eighty-eighth

Margaret, enlisted in the Galway militia under his uncle, Lieutenant-Colonel Martin, and was appointed sergeant.

While on his way with the regiment to oppose a threatened landing of the French at Bantry he met his future wife, Eleanor McCarthy, at the home of her father, Timothy McCarthy, who was the barrack-master at Inchygeela, Cork. The latter, McCarthy Dhu, was from Barnisthoka (hill of the winds), Kerry, and his wife was Margaret Barry, of the Barrys of Kilbarry. He died about 1800.[1]

Regiment in the Peninsular War. He removed to Edinburgh and married an Englishwoman.

An uncle, Cornelius Conway, established the first newspaper in the city of Galway. His son, also named Cornelius, was a printer and removed to Leadenhall Street, London.

[1] Margaret Conway, who became Mrs. Hugh Donnelly, lived to an advanced age. She had a remarkable memory, and her family delighted in hearing her reminiscences. The following notes concerning her family were taken from her verbatim: "Grandfather had a brother, Jeremiah McCarthy, who was a captain in a brigade of Irish volunteers in 1782. He was afterwards sent a commission by the Duke of York, but not having the means to maintain the position of an officer in the regular army he was obliged to decline it.

"Another brother, Thade, a bachelor, was a teacher in Inchygeela, who lived in the latter part of his life and died, also, near the old walls of the barracks. He gave me much of my schooling, and, apart from Miss Tully of Ballinasloe, was my only teacher.

"Grandfather McCarthy had also a sister, Honoria, who entered a convent in France and embraced a religious life, but left on account of ill health. She had some means, and lived and died in Cork about 1830. Before I married, and while my brother, Charles M. Conway, was at Maynooth College, she gave me the relic of the true cross.

"Another sister, Catherine, married an O'Sullivan, and was

The children of Michael and Eleanor (McCarthy) Conway were Margaret, born April 19, 1806, at Ballinasloe, Galway, who married Hugh Donnelly; Honoria, and Charles M. Conway. The latter was educated at Maynooth College under the terms of a scholarship founded by his kinsman, Dr. O'Sullivan. Eventually he came to the United States, and was for a time on the staff of the *New York Tribune.* Honoria Conway was born while her father was a subaltern on the regimental staff of his uncle, Lieutenant-Colonel Martin, commanding the Galway Militia Regiment. Towards the close of the Napoleonic war, in the absence of Lord Clancarty, its colonel, the regi-

the mother of Dr. Bartholomew O'Sullivan. Her other son went to France or Belgium, and was reported to be a lawyer. After their father's death Mrs. O'Sullivan married their tutor. She lived on her own property to the west of Kilgarvin.

"My mother had three brothers. Charles and James McCarthy came to America when quite young. Charles was, I think, about seventeen or eighteen years old when he arrived at Shelburne, Nova Scotia, Dr. O'Sullivan having sent for him. Soon after the arrival of Uncle Charles, Dr. O'Sullivan went to Halifax from Shelburne and left his business in charge of Uncle Charles, who then sent for his brother James. Uncle Charles married Isabella Johnson, who was of a respected loyalist family of Perth Amboy, New Jersey, and she became a convert to the Catholic faith.

"James McCarthy married her sister, the widow of William Snyder, who had three children: Anne, married to Joshua Snow; Evelina, married to Gilbert Tucker, and William, who died young.

"There was one daughter, Margaret, born to James McCarthy by this marriage. He and his brother Charles eventually removed to Meteghan, Nova Scotia.

"The other brother, Jeremiah McCarthy, was an architect. He married Honoria O'Sullivan. His son, Charles J. McCarthy, who

ment was ordered from Ireland to garrison Dover Castle. The wife of the young officer came from their home in Ballinasloe, and, while visiting her husband, their daughter was born just when the ringing of bells and firing of cannon proclaimed the victory of Waterloo. Thus happily ushered into the world when peace was declared to Europe after long years of destructive war, the incident seemed a romantic and happy augury. When grown to womanhood Honoria chose a tranquil career. After several years as a religious at Mt. St. Vincent-on-the-Hudson she became the founder and first superior of the Teaching Sisters of Charity at St. John, New Brunswick, where she is lovingly remembered as Mother Vincent.

married Margaret Montayne, settled in Boston, Massachusetts, and under Mayor Wightman was appointed paymaster in the soldiers aid and pension office in 1861. In 1864 Governor Andrew appointed him paymaster with the rank of major in the Massachusetts militia at Vicksburg. He served for five years in the Massachusetts Legislature and for a like number of years in the Boston Common Council. His death occurred in 1866. The children of Charles J. and Margaret (Montayne) McCarthy were Honoria; Jeremiah, who was a physician; Patrick, who was court officer of the Supreme Judicial Court of Massachusetts; James, who succeeded his brother as court officer of the Supreme Judicial Court; and Charles.

"My grandmother, Margaret Barry, had cousins, Angela and Margaret (Peggy) Barry, who married two Browns of Inchygeela. Another brother, Richard Brown, married one of the Pynes of Mecroom."

CHAPTER II

The ancient town of Athlone is situated upon the bank of the great river Shannon. Here Charles Francis Donnelly was born October 14, 1836. He did not grow up, however, in this historic locality, for in 1837 when he was less than one year old his father removed with his family to Canada, and established their home in St. John, New Brunswick.

Soon after their arrival a disastrous fire destroyed Mr. Donnelly's place of business, and his health also failing he went to Nova Scotia where Mrs. Donnelly's two uncles, Charles and James McCarthy, were men of property and position.[1]

For several years Mrs. Donnelly, who was a woman of education, fine mind, and dignity of aspect and manner, conducted a very successful school at Yarmouth.

Young Charles received his elementary education in private schools and at the Presbyterian Academy at St. John. He was a studious, meditative lad, with a

[1] Charles McCarthy was one of the first Irishmen to settle in the province. He was one of the most influential and respected men in Nova Scotia. For nearly fifty years he was a magistrate in the county where he resided, and possessed the confidence and esteem of all the officials in the county. He died at the advanced age of eighty-two years. A more honorable man or more ardent lover of his country never left Ireland, for he was one of the old school of Irish gentlemen, and had all that courteousness of manner and pride of family which are characteristic of them.

quiet, retiring disposition. After school hours his time was usually occupied in reading, and, having a most retentive memory, the store of knowledge then acquired lasted him a lifetime.

When the emigration from Ireland was at its height he saw much of the sufferings of the poor exiles who were landed at the port of St. John. Their condition was pitiable in the extreme, and no one in the new world realized this more or felt deeper sympathy for them than their youthful compatriot. The scenes at the docks watched by the thoughtful, imaginative boy, made an indelible impression on his mind, and from the painful sights then witnessed doubtless came the first impulse which led him, in later years, to consecrate so much of his time and energy to the relief of human suffering. The child not only watched but was alert to help, even going to the length on one occasion of bringing an entire family home with him in the firm belief that his mother would assume the responsibility of caring for them.

In 1848 Hugh Donnelly, having recovered his health, removed with his family to Providence, Rhode Island, where other relatives were prosperously settled. Here Charles Francis continued his classical studies, and, having decided to follow the profession of law, went to Boston, Massachusetts, in 1856 and entered the law offices of the Hon. Ambrose A. Ranney. Soon after beginning his studies a typical incident occurred which made strongly evident the self-respect and moral courage of the youth. The Jesuit Fathers, under the lead of the Rev. John Mc-

Elroy, S. J., were negotiating for the purchase of the land on which the Church of the Immaculate Conception and Boston College now stand. The Protestants of that section becoming excited at the thought of having Catholic institutions in their immediate neighborhood sent representatives to Mr. Ranney's office to have their protest against the sale drawn up. He made a rough draft of the paper and handed it to his young student to be put into legal form.

The youthful student had been brought up in the Catholic Church, as both his parents were of that faith, and even thus early in life had acquired an unusual knowledge of church history together with an intimate understanding of the rights of Catholic citizens.

With admirable courage for one of his years young Donnelly took his future in his hands by respectfully but most positively declining to draft what he considered the protest of bigots. Strangely enough the distasteful task was not insisted upon, for Mr. Ranney was won by such disinterested grit and took his bold student into the most cordial social as well as professional relations, and thereafter it was his custom to consult him on all matters pertaining to the affairs of Catholics.

Mr. Donnelly also attended the Harvard Law School and was graduated with the degree of LL.B. in 1859. In September of the same year he was admitted to the Suffolk County bar and at once entered upon the active practice of his profession.

At the time of his admission to the bar Mr. Donnelly had already shown much taste for literature, had acquired a broad knowledge of the English classics, and had also received a religious training uncommon in a young layman.

We find him contributing editorial articles and special correspondence to the local press in 1859 under the nom-de-plume of "Vindex." The first topic to engage his pen was the celebrated Eliot School controversy of that year, the result of the severe punishment meted out to a boy who had refused to recite the Protestant version of the Ten Commandments. In discussing this case Mr. Donnelly maintained that the attempt to force any child into religious exercises which were against his conscience infringed the Bill of Rights of the Commonwealth of Massachusetts, and that Catholic citizens should protest until the authorities were compelled to acknowledge that the safe-guarding of conscience protected the Catholics equally with the Protestants. Incidentally he showed the superiority of the school system of Prussia, Austria, and England over the school system of America in protecting the religious rights of the children of all citizens.

During the summer of 1859 Mr. Donnelly spent the months of August and September in Nova Scotia and New Brunswick. Letters from him, signed "Viator," appeared in the Boston newspapers, and showed an uncommon keenness of observation regarding the places he visited, and the manners and customs of the men with whom he came in contact. The

impressions made on him during this trip to the land of Longfellow's *Evangeline* found expression in the very beautiful poem, "The Acadians' Hymn," that appeared in the *New York Leader,* August 9, 1862.

For about two years from the early part of 1860 he was a resident of New York, engaged in the practice of his profession, and in his free time contributing editorials, prose sketches, and correspondence to the *New York Tribune, New York Leader, Journal of Commerce, Morning Freeman* and other journals, and to the *Knickerbocker Magazine.* These contributions were variously signed "Lex" and "Scribe," but he finally adopted the pen-name of "Schuyler Conway," under which he exercised his notable poetic gift.

One of his poems, "Roma," the *Boston Transcript* described, on reproducing it many years after its first appearance, as "a gem of purest ray serene." The "Irish-American's Song" which appeared first in the *New York Tribune,* April 20, 1861, was adopted as a regimental song by the Tenth Ohio Regiment of Volunteers (Irish-American), General Lytle's old regiment, and became popular among kindred organizations of the army. It was one of the earliest Civil War songs and was written to a very old Celtic melody—that used for "Robin Adair."[1]

His poetic gift was spontaneous and he was apt, where his sympathies or affections were aroused, to commemorate special occasions in verse. In mature

[1] It may be found in Frank Moore's collection of *Songs of the Soldiers,* Putnam, New York, 1864.

life this rare poetic faculty found its most natural expression in the dignified form of the sonnet, and if the law had not made even a stronger appeal than letters he might easily have ranked with the foremost American *littérateurs*. In all his work he gave marked evidence of unusual literary skill and artistic feeling, but his reserve was great. He was his own most severe critic and it is much to be regretted that he himself destroyed the greater part of his poetic compositions. While deploring the destruction of so much that would have been highly valued by his friends it will always be a source of keen satisfaction to feel that the surviving manuscripts have been preserved and published by Mrs. Donnelly for private distribution.[1]

Mr. Donnelly considered James Russell Lowell to be the foremost American poet, and one of his latest poems was the following sonnet on Lowell's death that appeared in the *Boston Advertiser* in August, 1891.

LOWELL

No bugle blast sounds through the summer air;
Nor tramp of riderless and neighing steed,
In solemn march behind the car we heed;
Nor muffled drum is heard; nor trumpet blare;
Nor volleyed fire; nor shrouding smoke is seen.
Yet in the earth to-day a soldier's form
We laid; one who brave bore the brunt and storm
Of battle front with knightly skill and mien.

Rest, minstrel, after all earth's weary strife;—
Fair Harvard hath borne many sons, but none
So tenderly beloved as those who gave
Their youth and manhood's prime, and even life,
To Freedom's cause, until the field was won,
And no man dare to call his brother slave.

Towards the end of 1862 we find Mr. Donnelly again in Boston active in recruiting for the Fifty-fifth Regiment, which had been organized with the distinct understanding that it should go to the front for nine month's service as an Irish-American regiment. In this regiment he held the rank of lieutenant, and within a few months six companies had been drafted and a good beginning made towards the formation of the seventh.

At this distance of time, and with a full knowledge of subsequent events, it is difficult to realize that after the unsuccessful campaign against Richmond in the summer of 1862 culminating in the disastrous national defeat at Bull Run, the people of the North still failed to grasp the magnitude of the Civil War, and that the call for troops continued to be for a short term of service.

It had been the desire of both the officers and men of the Fifty-fifth Regiment to go to the front and join the Corcoran Legion, but orders were issued by Governor Andrew for the amalgamation of the Fifty-fifth and Forty-eighth Regiments, and a very serious misunderstanding, as to motives, etc., was the result. This misunderstanding, however, was fully explained

MR. DONNELLY AT THE AGE OF 26

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and removed some time later through the indefatigable efforts of Mr. Donnelly, and the action of the men under particularly trying circumstances was completely vindicated. It is to be regretted that this gallant body of men was not then permitted to go to the front where later it rendered such valuable services.

In the spring of 1863, while on a visit to Washington, Mr. Donnelly sent some pen portraits of "People One Meets on Pennsylvania Avenue," to the *New York Leader*. These sketches related to soldiers, statesmen, and sages, and are notable for their realism and discrimination. In Washington, as during his longer sojourns in New York, he was fortunate in meeting the great men of his profession, and had also much pleasant intercourse with the literary men and eminent journalists of a period peculiarly rich in characters of interest.

CHAPTER III

In 1864 we find Mr. Donnelly associated with James Gerrish as counsel for the Commonwealth in the case of two little children in the public school in Shirley, Massachusetts, who had been punished with great severity because they declined to read from the Protestant version of the Bible. Mr. Donnelly appealed to the existing law as sufficient to protect Catholic rights, and on these grounds won the case.

The question involved concerned all the Catholics of the state and was one that had never previously been brought before a judicial tribunal in Massachusetts. Mr. Donnelly contended that "It involved a principle long contested for all over the world; a principle fought for and established by the founders of the republic, the principle of religious freedom, the right of allowing every man within the jurisdiction of our free government to worship as he thought fit, whether that man be a Jew, a Mohammedan, a heathen, a Protestant, or a Catholic."

In the development of his character, as the story of later years will show, the welfare of unprotected children became his most absorbing interest, and it may be considered that the very keynote of his life work was struck when he became connected with this celebrated case. The beginning of his work as a philanthropist was in this year also.

The high tide of Irish immigration to America during the famine years from 1845 to 1850 created a condition which the American poor laws, designed as they were for a comparatively small and stable population, could not cover, and in Massachusetts it was met by legislative action and the subsequent erection of three institutions for the poor. Irish landlords got rid of their poor tenants during this period by paying their passage to America. These immigrant ships were ordinarily of the poorest class and the unfortunate passengers died by the hundreds. As a child in St. John Mr. Donnelly had seen much of the sufferings of the immigrants and the sad plight of the poor orphans and other surviving dependents. He had even at an early age taught Sunday school in the almshouse. The Civil War also brought about another condition especially appealing to Catholic charity. Hosts of immigrants and sons of immigrants volunteered for the Union service and gave their lives for the cause of American freedom. Their orphans had to be cared for. Chiefly to meet this need the Home for Destitute Catholic Children was established in 1864. Mr. Donnelly was one of the fourteen founders of the corporation and long the sole survivor of that noble band. As its counsel he drafted the articles of incorporation. This institution also followed the wise plan of finding good homes for the children under its care.

In 1867 Bishop, later Archbishop, Williams of Boston engaged Mr. Donnelly to be his legal counsel and for forty years, beginning in the year just mentioned with the House of the Good Shepherd, all the

charters of the many great charitable, educational and ecclesiastical institutions established in the archdiocese of Boston were drawn up by him, as for instance: the Home for Destitute Catholic Children, St. John's Boston Ecclesiastical Seminary, at Brighton, the Carmelite Convent and many others. Practically all the grave, difficult and complicated cases in which the archbishop needed the services of a lawyer were in charge of Mr. Donnelly whose prudence, courage and resourcefulness could always be relied upon. Thus early in his career he gained the reputation of being the best equipped lawyer in New England in the common law of the Church, and he soon came into prominence through his able and brilliant arguments showing the harmonious relations of Catholic Ecclesiastical or Canon Law to the spirit of American law and institutions.

The breadth and good judgment of Mr. Donnelly's charitable work, together with his ever-growing eminence in his profession, attracted attention outside of distinctly Catholic circles, and in 1875 he was appointed by Governor Gaston to succeed the late Dr. Samuel G. Howe as a member of the board which was then known as the State Board of Health, Lunacy and Charity.

While a member of this board he was most generous with his time, influence and legal knowledge in all its work for the common good, during the time it had the exclusive supervision of the immigrants, the insane poor, etc., and after it became the State Board of Charity, with the scope of its service limited to the

relief of the adult poor and the care of destitute and neglected children.

In works of mercy Mr. Donnelly saw the human necessity, and regarded neither race, nor color, nor creed; but as a good American he insisted on freedom of conscience for all, and would not suffer even the least of these little ones to be deprived of their most sacred rights through orphanhood and poverty as they frequently had been under the placing-out system.

Religious prejudice was strong in Massachusetts chiefly because the Church was not known for what she is. A special work fell to Mr. Donnelly in combating this prejudice and he was peculiarly the man for it.

He was prudent in making a decision, but inflexible in pressing it to a logical conclusion. He would explain and conciliate when the case called for such action; otherwise, there was no escape from his inexorable logic.

From about the year 1876 to 1888 he made his home at the Parker House, Boston, and hardly an evening passed when he was not to be found the center of an appreciative group of friends and acquaintances who were attracted in the first place by his ready wit, and who soon formed the habit of meeting him there to discuss the subjects of the day—religious, literary and political. It was recognized by all that his store of knowledge was profound, and his opinions carried great weight. While he had a keen sense of humor he never permitted it to become vulgar and always controlled the expression of it in others. He was very

quick to see the humorous on all occasions, and was ready with an appropriate anecdote apropos of every subject. As a raconteur he was inimitable, but on all occasions his language was that which was suitable for the most critical company. With it all he was the happiest and most genial of men, always looking for the bright side of everything and always finding and bringing to the surface the best qualities, both of mind and heart, of every one with whom he came in contact, and this influence for good extended to persons of every grade of society. His laughter was contagious, and the cheery smile that accompanied each hand-clasp was a factor towards winning confidence.

During these years he was most diligent in attendance at the sessions of the Board of Charity. In 1883 the Board was directed by Governor Butler to assume the duties of trustee to the State almshouse, and as a result a serious disagreement occurred between the governor and the Board. Although a Democrat and a sturdy representative of the best element of that party, Mr. Donnelly sided with his associates on the Board because he believed their course the right one. He was the author of the astute and conclusive politico-legal correspondence conducted by the Board with Governor Butler (1883) which was employed to advantage by the opponents of the latter in his unsuccessful campaign for a second term. Because of the stand taken by Mr. Donnelly in this controversy he was not reappointed to the Board by Governor Butler, although it was conceded by all that he was the one man in the State best fitted for the place. He pos-

sessed in the fullest degree the confidence of the archbishop, was respected by all classes, and it was well known that he had given about half his time to the duties of the Board, leaving only half for his regular profession of the law.

In January, 1884, he was restored to the Board by Governor Robinson, and, upon the resignation of ex-Governor Talbot as chairman, was unanimously elected to that position by his associates, who were strongly impressed with his ability and special qualifications.

In the same year, when the legislature referred the question of the treatment of inebriates to the board, Mr. Donnelly, as chairman, drafted a bill subjecting dipsomaniacs to the same restrictions as lunatics. The bill was adopted by the Legislature of 1885 and was the first legislation of the kind either in Europe or America. It was an unique act, and one that reflects great credit upon the ability and sound judgment of its author. In 1889 further effect was given the new law by the Legislature, largely through Mr. Donnelly's influence, in authorizing the erection of a hospital for men coming under its provisions, and establishing a board of trustees for the management of the institution.

CHAPTER IV

After the Civil War prejudice, racial and religious, seemed to abate in Boston. The services of the Catholic men of Irish birth or descent had been prompt and splendid, and had abounded in examples of extraordinary individual heroism. Massachusetts had sent two regiments to the front which were so distinctly composed of men of Irish blood and Catholic faith that they were permitted by the State to carry the Green Flag with the Stars and Stripes; and the regiments from other states, also, had a large proportion of Catholics.

Moreover, Catholics were coming rapidly to the front in the professional, literary and artistic life of Boston. Among these Mr. Donnelly, whose professional duties were by this time most exacting, was the most prominent by reason of the nature of the work he had accomplished for the public good. Every one in Boston knew him as proud of his ancestry and devoted to his religion. Every one also knew him as an American of well-tested loyalty, more than able to meet the sons of the Puritans on their own ground. They might claim that they had ten generations of lettered ancestry behind them. So could he. They were not more reserved and cautious than he, and they hardly matched him in political sagacity. It is not strange, therefore, that he resented the disposi-

tion which, in spite of other favorable changes, still persisted in Massachusetts to deny the name of "American" to any but the descendants of the first immigration of the seventeenth century.

Mr. Donnelly always insisted on his own absolute and unqualified American citizenship, and on that of all persons fit to exercise citizen rights, whatever their race lines. He was the first man of Irish blood in Boston to make a strong judicial protest against another practice common throughout New England and humored too often by the subjects of it, of classifying as "Irish" practically all the Catholic citizens of the section. The occasion of it was this: Mr. Donnelly, who had been always a Democrat but never an office-seeker, was mentioned in the press as an "Irish-Republican" candidate for mayor. Having defined his political faith in a letter to the *Boston Globe,* April 13, 1885, and his unalterable resolution never to hold elective office, he continued: "In the nomenclature of party politics I know of no more offensive and un-American characterization of one who is a citizen by adoption or by birth, though of foreign parentage, than to prefix to his name a term indicating that he is of some other nationality than that to which by birth or choice he may belong. The prefix 'Irish' is of very common application, and is used more frequently in party discussions than the word 'German' or 'French' or 'Swedish,' etc., but any such epithet, applied in the sense I refer to, must be offensive to every intelligent and fair-minded citizen whether of native ancestry or of foreign birth or parentage. Citizenship is absolute,

not qualified. There are no classes in citizenship; no race nor religious distinctions; no Yankee nor Irish nor German citizens, no more than there are Methodist or Baptist or Roman Catholic citizens. Every citizen is, in the contemplation of the law and of his party, an American, and an American only, in the political sense, and any other characterization of him is, and must be, offensive and invidious. Though an Irishman by birth and justly proud of my nativity in common with millions of others on this continent, I owe Ireland no political allegiance whatever. Our lot is cast finally and formally with America, and we are absolutely and unreservedly Americans, not Irishmen, like good and true men of Irish blood and lineage in the past, who readily and unreservedly became Frenchmen, Spaniards, and Austrians."

These sentiments received much favorable comment by the press and the letter was widely quoted.

In 1885, in recognition of his services to the Catholic Church, the honorary degree of LL.D. was conferred upon him by Mt. St. Mary's College, Emmitsburg, Maryland, the oldest Catholic educational institution in the country.

During all these years of active work his thoughts continually reverted to the land of his birth. It had been his pleasure to make himself thoroughly acquainted with Irish history and folk-lore, and in 1886 the long cherished desire to revisit Ireland was gratified. He spent nearly two months upon the beautiful island, traveling through its whole length and breadth and gaining by personal observation a more intimate

knowledge of the land and people he so dearly loved. He found something to delight and interest him in every little hamlet, in every stone and relic. His letters revealed the antiquarian's delight and the nature lover's appreciation, and it was with keen regret that he left the land of his birth and romantic attachment to return to the prosaic duties that awaited him at home.

In 1887, after three and a half years' service as chairman of the State Board of Charities, Mr. Donnelly felt obliged to decline reëlection, owing to the press of other duties, although he still retained his membership on the Board and was as active in its deliberations as ever.

The world wonders when able men turn willingly from all its allurements to devote themselves as Catholic priests to foreign missions; it wonders at refined women consecrated to God for an apostolate to the poor deserted babes of civilized lands, or to the fallen and world-forsaken girls.

We cannot overpraise the zeal of successive bishops and priests, nor the courage and devotion of those teaching religious, who, undeterred by the fate of the Ursuline Convent in 1834, subsequently made their various beginnings here, and accomplished all that their environment permitted. These would have been sufficient of themselves in other parts of the country. In Massachusetts, however, something more was needed.

A layman versed in the law was needed to judge and condemn bigotry by the Constitution of the State

itself, to make a fixed condition out of the theory of equality of all men in rights of conscience and freedom of public worship.

This need was filled by Charles F. Donnelly, especially in securing the rights of Catholic schools of every grade to their existence and full development, and in the elucidation on the statute books of the right of even the poor infant waifs and strays of society to their spiritual heritage.

A man absorbed in his profession, very largely because it was a means of serving his fellow-men; abhorring the cheap popularity which some esteem as fame; finding his happiness in pressing on without contemplation of the work accomplished to the new work which beckoned to him with the insistent hand of Duty; never self-recording nor self-seeking, it is through no care on his part that any testimony remains to identify him with the vast work which was wrought in Massachusetts for Catholic citizens and for all citizens.

Strong and enlightened Catholicity, broad general culture, American patriotism excluding political selfishness and intrigue, the assurance begotten by early professional success, and that public respect and confidence which must eventually come to the man whose disinterestedness has disarmed all prejudices were the qualities which Mr. Donnelly brought to his crowning works for education and charity.

CHAPTER V

The decrees of the Plenary Council of Baltimore, held in November, 1884, legislating definitely and minutely for the equipping as far as possible of every parish with an efficient Catholic school, and emphasizing the strict duty of Catholic parents to send their children to such schools, except where there were dispensing reasons approved by the bishop of the diocese, naturally resulted in a great increase of Catholic schools throughout the country. Nowhere was there greater activity in school building than in the archdiocese of Boston.

A certain anti-Catholic element took prompt alarm. This element, reserving the right to educate its own children where it pleased, was fully determined to coerce the Catholics into using the public schools exclusively. The question was forced into politics. The building and maintenance of Catholic free schools was construed into Catholic intent to dominate the public schools by securing a majority in the school committee. Members of this committee were chosen, then as now, at the city elections in December; but the total membership was twenty-five instead of five. With a view to saving the public schools from the Pope many Protestant women hitherto indifferent to their privilege of voting for the school committee, promptly registered that they might exercise it.

By the autumn of 1885 this feminine movement had reached rather notable proportions. Some Catholic women attempted a counter movement. Mr. Donnelly endeavored through a published letter to allay the absurd panic by representing that no Catholics, either with or without the assistance of the women, could possibly secure the approval of the ecclesiastical authorities for any attempt to control the public schools in the interest of their religion.

Archbishop Williams, who rarely gave an interview to the press, considered this occasion grave enough to warrant a departure from his custom. Interviewed by the *Boston Advertiser* His Grace said: "Not only is there no such movement among the women, but there has been no attempt by the Catholic Church in Boston towards organizing such a movement. There have been no efforts at persuasion in this direction either in private conversation or publicly from the pulpit to the whole congregation. I am sure there is no general movement among Catholic women towards voting. It has never been advised by the Church. In fact, I do not believe in the Church meddling with politics in any shape, and the Church leaves the question alone. But beyond this, theoretically I do not think that women ought to take part in politics; they can be much better employed." Incidentally it is worth noting that a journal of the high character of the *Boston Advertiser* felt safe in referring to "Irishwomen" and "Romish women", when it meant Catholic women, and even in putting the epithet "Romish" on the lips of Boston's native born and pre-eminently courteous and

self-respecting Archbishop, as descriptive of the women of his flock.

But the Catholic schools increased and multiplied and the Catholic children overcrowded them from the opening days. The French Canadians were making large and permanent settlements in the manufacturing cities and towns of the archdiocese, and the school grew with the Church. Italian immigration was well begun, and other Catholic immigration was beginning.

A bill was introduced before the Massachusetts Legislature in January, 1888, professedly for "the inspection of private schools," but in reality for the crippling, if not the destruction, of Catholic schools. It was based on the majority report of the joint special committee of 1887 on the employment and schooling of children. Its supporters professed to fear that the education given in private schools fell far below that given in the schools of the State, whose safety they further fancied was in danger if schools of the former class were not immediately opened to the examination and inspection of hostile officials.

Representative, later Congressman, Michael J. McEttrick presented a minority report strongly opposing this most un-American interference with the rights of parents and citizens. Characteristically, Archbishop Williams issued no pastoral nor made the proposed legislation the subject of sermon or speech. He simply engaged Mr. Donnelly as his counsel, and opposed the bigots with the laws of Massachusetts.

The bill was fought in five successive hearings before the Legislature. At the first of the hearings,

which took place March 6, 1888, the advocates of the bill did not appear, alleging various pretexts for their absence, but at subsequent sessions they came in full force, led by such prominent bigots as the Rev. Joseph Cook, the Rev. E. J. Haynes, of Tremont Temple, and one "Evangelist" Leyden. In striking contrast were the non-Catholics who ranged themselves with the Catholics in opposition. Let the names of President Eliot, of Harvard University, Colonel Thomas Wentworth Higginson, the late General Francis Walker, and the late Dr. Edward Everett Hale be cordially remembered by Catholics for their genuine Americanism in this crisis.

The following account is an epitome of what transpired before the legislative committee:

The chairman opened the proceedings by stating that those in favor of the bill would be heard first. Secretary Dickinson, of the State Board of Education, asked first to have the bill fully explained.

No one responding, Mr. Marble, superintendent of schools at Worcester, expressed himself in favor of one provision of the bill, namely: that requiring from all private schools a registration of pupils, and a report of such registration to the school committee. This is the only feature he would advocate. His reason, therefor, given in answer to Representative McEttrick, being that if registers of the children actually in the private schools were presented to the school committee it would save a great deal of expense in looking up children whose whereabouts are unknown.

Mr. Marble objected to the substitution of night

schooling for day-time attendance at the common schools, as putting too severe a strain on a child under fourteen. He also objected to those provisions of the bill which refer to supplying the wants of children unable to attend school, as investing the school committee with functions peculiar to the overseers of the poor. It is a step towards the paternalism of ancient Sparta. The American school system should not try to supply the place of parents. It is further to be condemned as tending to beget a spirit of dependence upon the public so that by and by the public will have to take care of all the public. Mr. Marble showed the absurdities inevitable on a law making the city or town responsible for the private schools within its borders, to the extent of taking them in hand and examining their teachers; as, for example, if the School Committee of Cambridge should call President Eliot before them; or that of Boston undertake the regulation of Chauncy Hall School. Getting to the question of Catholic parochial schools, Mr. Marble, while deprecating their establishment, could not say that he would do differently if he were a Catholic. But as an advocate of the public schools, he does not want to foster the parochial system, as he believes he would be doing were he to advocate State inspection of them. In answer to Mr. Mowry, of Lowell, as to how the competence of private school teachers to impart the required schooling shall be known without an examination, Mr. Marble said that the parents who patronize the school can be trusted to look out for that. Asked as to the standard of education in the parochial schools of

Worcester, he said it was superior to that of the public schools in some directions, inferior in others; but he had no doubt that the general standard met the requirements of the law. He had visited these schools in person.

In answer to Mr. Charles F. Donnelly as to how these schools compare with the average of the schools throughout the Commonwealth, Mr. Marble said: "The conditions vary so much between the city and the country that a fair comparison can hardly be made."

Mr. E. C. Carrigan, of the State Board of Education said: "I would like to hear what is wanted by all parties; then if I wish to advocate or oppose any part of the bill, I think it my duty to do so. The State is not a petitioner here."

President Eliot's Address.

I have listened with great pleasure to what Superintendent Marble (of Worcester) has said concerning the public schools and his acquaintance with them; but, though I agree with a great many things he said and many of his points, I do not propose to follow him at all. I only wish to call attention to what seems to me to be the principal objection to this proposed legislation. I imagine that all the members of the Legislature will be apt to agree to the proposition that we desire to have the American school system made one for the whole State; that the breach between the Catholic population and the Protestant population is one that should be closed and not widened; that it is for the interest of the entire community that the

breach which I say exists, or has widened greatly during the past ten years, between the Catholic population and the Protestant population in this State and in every other American community, should be closed or healed and not widened by legislation. Now, it seems to me that this proposed legislation, so far as it relates to the approval of private schools by public school authorities, tends very greatly to widen that breach, and it seems to me clear that this proposed legislation is therefore injurious and hostile to the interests of the entire community. I confine my remarks to that portion of these acts which relates to the approval of private schools by public school authorities.

In the first place this legislation would throw that question before every community in this State which is divided between the two religions. Every public school committee would be required to determine every year, by the terms of this act, whether it would or would not approve of parochial schools in all those communities, of course, where parochial schools exist; and they are constantly increasing in number, and are certain to increase in number. Now, every elective body, every town or city, knowing that the approval of parochial schools is to come before its school committee, would go to the election of a school committee with that in mind; and every year we should have this religious question entering into the election of our public school committees. Now, there are many communities already in Massachusetts where that division of the community between Protestants and Catholics comes up quite often enough. This bill pro-

vides a series of interesting occasions for that division every year, viz., the election of a school committee upon religious grounds.

Of course, we all understand that though the term "private" schools is used in this bill, the bill is really directed solely to those private schools which receive large numbers of poor children, children belonging to the poorer classes. Those are the only schools affected; and all this unnecessary machinery is devised either for the suppression of parochial schools, or for their improvement. I suppose a certain portion of this community would hope that this legislation would result in their suppression, while another portion would hope it would result in their improvement. Whatever the actual effect of the proposed legislation might prove to be, I think we cannot shut our eyes to the fact that it would throw into every community divided in the matter of religion this important question as a matter to be voted upon every year. I can hardly imagine a less desirable issue to be presented in a city or town election where the population is divided between Catholics and Protestants; and think those of us who are Protestants may look with some apprehension upon what is likely to be the result in those Massachusetts communities where the Catholics are in the majority, or are rapidly approaching a majority.

But that is not the only objection that I feel to this report. I feel a still greater objection to it on the ground that the proposed legislation tends to perpetuate the distinction between schools for the poorer classes and public schools. It tends, I say, to perpetuate that

distinction, to put upon firm ground a separate school for the Roman Catholic children; and, moreover, it tends to enlist the sympathy of all persons in our community in behalf of parochial schools who really believe in the rights of individual conscience. I suppose we all feel the warmest respect and admiration for the self-sacrifices of the Roman Catholic population which supports the parochial schools. I do not see how the children of the Puritans can possibly feel other than the warmest respect and admiration for the self-sacrifices that the Roman Catholic population make day by day for the schools which in their view are the only schools where their conscientious belief concerning the education of their children can be respected. I say that this proposed legislation tends to perpetuate this most undesirable division, because I can only believe that the effect of this legislation will be greatly to improve and strengthen the parochial schools. Here is a numerically large proportion of our population, constantly increasing in intelligence and wealth, which is pledged to the support of parochial schools as the schools, and the only schools, of which their consciences approve. Now, the State attempts to deal with those schools in a manner objectionable to that class of the population, to the Roman Catholic population.

I confess I read in this bill a certain passage, against which it seems to me anybody who is descended from the English population of three hundred years ago would be likely to entertain a very serious objection. It is the passage which provides that the school committee be required to visit and examine, personally or

by agent, all such private schools, to pass a vote annually approving or refusing to approve each one, and to make returns in reference to such schools to the State Board of Education; and third, that after September 1, 1889, no such private school be approved unless taught by teachers holding certificates of qualification obtained from the school committee, as is required of teachers in the public schools. Here in a republic the State proposes to authorize an individual, at his own sweet will, to enter upon private premises and there to examine the business which is conducted! It seems to me that, from a general point of view, this is a very extraordinary proposition to be made in the State of Massachusetts. It applies not only to Catholics, but also to Protestants; it applies to everbody who is conducting a private school. But quite apart from that, it seems to me that this legislation can only have the effect, as I say, of enlisting every conscientious Catholic in the support of the parochial schools, and enlisting him with all his might. I believe, with Superintendent Marble, that the Catholic population is now considerably divided in regard to the support of parochial schools. But let us imagine what the effect of what I must call hostile legislation would be upon the Catholic population if such legislation is directed against them and the rights they hold sacred. Certainly we all agree that it would concentrate the Protestant population in support of what they deem to be their rights. I believe it is possible by legislation to reconcile the Roman Catholic population to the American public school, and that it should be so rec-

onciled, and that that is what statesmanship and common prudence ask. But this legislation, it seems to me, would have the directly opposite effect. I beg my remarks may be understood to be entirely confined to that portion of this act which gives the public school authorities the right, and imposes upon them the duty, to approve private schools.

President Eliot was followed by Mr. Donnelly.

ADDRESS OF MR. DONNELLY

As I have said before, I have been instructed to appear here in opposition to any legislative interference with private schools. The fundamental objection is, of course, a constitutional question, and that is that the passage of the bill would be an invasion of the rights of the citizen. For the views of the people of Massachusetts upon the question we need not refer to any text-book, but simply to the preamble of the Bill of Rights itself, which I think makes pretty clear, "to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquility their natural rights, and the blessings of life" are the objects for which the State constitution was established.

Now, there has been a conflict of opinion, and always will be under our Government, as to how far authority should be centralized and how far it should be diffused. There is a tendency among a large portion of the people of the country in favor of centralized government. In other words, the absorption from the people themselves of their natural rights and the assumption of them on the part of the Government

claiming to exercise paternal control over them. That is true of many people in this State, which has its ideas of freedom as broadly disseminated as any in the Union. There are people who are in favor of the Government controlling in the common affairs of the life of every man. Now, it seems to me that it is contrary to the geniuses of our Government and of our institutions to have the idea of centralized governmental control prevail. It is in just such a spirit the kind of legislation proposed originated. It is anti-Democratic; it is anti-Republican. It is that suggested by Henry Wilson when he wrote for the *Atlantic Monthly* in 1871 the article entitled, "A New Departure," that the general Government should assume control of the education of the fifty or sixty millions of people in the United States. I think Senator Hoar advocated something in the same direction, and I believe Mr. Blair's bill tends in the same direction. If there is any community that ought to be free from the advocacy of the European system of government it is the community in which we live.

Mr. Chairman, I am a Catholic; I believe in the doctrines of that Church; but I believe in the widest liberty in the exercise of religious belief and the right of conscience towards all men; I do not think if we follow the Exemplar, the Founder of Christianity, we can believe anything else. I do not believe in the State assuming ecclesiastical functions or directing how the members of any denomination shall control or carry themselves. So far as parochial schools are concerned,

or the ecclesiastical control of schools in Massachusetts, there is nothing new in it. It was part of the policy of Massachusetts at the beginning; at the beginning, and up to the early part of this century the pastor had more to say about the schools of each neighborhood than any other person in it. Therefore the idea of parochial schools as discussed now is nothing novel, but the contrary. The founders of this State are responsible for it. The language of the Bill of Rights, the language of the Constitution itself shows that the main aim of our Government of Massachusetts was to urge "instructions in piety" and an attachment to a religious belief founded upon revelation, upon the Bible itself. Now what is the objection to the private school system that exists here among a large portion of the people of the community? Mr. Marble, in his remarks, took occasion to say that there seemed to be "a purpose to supplant the public school system by one of their own on the part of the Catholic hierarchy." I do not think Mr. Marble meant that, because I think he is too intelligent a man to make that broad proposition and think it maintainable. There is no question about it, Mr. Chairman, but that the aim of the State is to encourage a love of learning and to have her citizens educated. It is more the aim of the State to do that than it is to determine the means by which it may be done. If the object is accomplished that is all the State has in view, that is all the State desires. Now we may well differ as to whether that object may be accomplished better by private schools or by public schools, or whether they may not go hand in hand;

to some portion of the people private schools will be found more agreeable and convenient and to some portion the public schools, but to every good citizen who desires to encourage sound learning and good morals it makes little difference how the child is educated. His aim is not to proselytize or demoralize the child. If he does not aim at shutting out all light of the gospel then he cannot object to the system which accomplishes a sound education.

Now, as I understand the policy of the American Catholic Church, it is to see that the children are educated not only in reference to their duties in the common affairs of life, in secular affairs, but that they shall also receive a religious or moral training; the American Councils of the Catholic Church say that owing to the contention between the different sects in reference to what is true and what is untrue in revelation or outside of it, the schools are left in such a condition that the child cannot receive a proper moral training. On the other hand the argument of those in favor of the public schools, and of the public schools alone, is that religious training and moral training is something that belongs to the Church, and that Sunday is a day set apart for this and is sufficient for it. The reply will be that the world gets six days of the child's time and the Church only gets one.

It is in no spirit of opposition to the public schools, with no desire to supplant the public school system that the people have associated in organizing private schools; they are a part of the American people, who have shown their loyalty in the most convincing way pos-

sible by shedding their blood for the maintenance of the Government. It is too late in the day to say that any man because he is a Catholic, whether priest or layman, cannot be a loyal citizen of the United States.

I have been very much impressed by the remarks of President Eliot; I did not think the discussion would take such a wide course; I thought the question of religion might be excluded from this hearing, but every one who has preceded me has brought it up and there was no course left for me to pursue but to treat the question from that standpoint. There is no question about it there has been a great deal of agitation in regard to the private schools established under the auspices of the Catholics in this Commonwealth. When the bill now under discussion was made public, all over this country as well as in Massachusetts it was considered a measure aimed at the parochial schools of Massachusetts.

Now, so far as the rights of the citizen are concerned and of the individual parent, what are his rights? What are your rights, Mr. Chairman, as father of a family? Who is there that should come between you and your child? Has the State a right to interfere? Is not your right as a parent sovereign over your own child, as long as you teach him nothing in subversion of order, and discharge your natural obligations? Is there any State or any Church which has a right to come between you and your child? Who clothes him? Who feeds him? Who shelters him? Who is ready to lay down his life for him, but you? Therefore the parent is the protector, and the parent alone, and from

whom does he derive this right? He derives it from God Almighty himself, and not from the State, for the State has no right to interfere.

So far as legislation has hitherto gone in this Commonwealth, Mr. Chairman, what has it aimed at? Has the State dared to assume the care and custody of your child? Have the people of the Commonwealth of Massachusetts given the State any such right? I do not know of it as a lawyer. I know there are laws on the statute book for the enforcement of the duties and obligations of the parent toward the child, where he neglects or fails to perform them, but no legislation so far has gone to a greater extent than that. Out of the whole number of the people of this State how many parents, fathers and mothers, are there who require any legislation whatever to compel them to do their duty towards their children? Is the percentage of the population larger than that which makes up the criminal classes? I do not think you will say that it is, Mr. Chairman, or any of you gentlemen. If one, two or three per cent. of the population of Massachusetts neglect their natural obligations is it to be claimed or pretended that for the purpose of compelling that small percentage to do their duty you are going to pass a law in subversion of the natural rights of the citizen? What is it which is proposed to be done? It is proposed to leave to the parent no choice in the education of his child whatever; that is practically it. That is, in other words, the parent shall not send his child to the instructor or teacher of his choice, but after the State has selected the teacher, the school, the instruc-

tor, then the State says you can send to such an institution, and you cannot send him elsewhere. I do not think the people of this Commonwealth will be in favor of any such legislation as that.

What will be the result if the State of Massachusetts should assume such an attitude as that? What is going to be the logic of it? Can we make the whole of the people of this Commonwealth, 2,000,000 in number, with their diversity of race, color and condition, can we assimilate them all to some one standard? Can we make every man and woman of just such a stature mentally, morally and physically? That would be considered impractical. If it is proposed to proceed on this line, to assume the supervision and control of the private schools, the logic is inevitable; within five, ten or fifteen years you must have denominational schools. You cannot interfere with the management, control and discipline of the private schools without giving them the support of the State. You begin by approving them, by finding them satisfactory, by finding them all that is necessary and essential, and then follows State aid, State bounty, State grants, State buildings, State books, and as has been suggested, clothing to be furnished by the State. The president of our university has suggested the true course to pursue in this matter. It seems to me that the old proverb may be aptly quoted here: "Let well enough alone." The tendency of this experimental legislation will be to create a breach, or rather to widen the breach existing between the members of the different denominations in the Commonwealth; I do not think it can be said the

Catholics in establishing their schools do not intend to give their children a good secular education. Catholics in the past did a good deal toward education. Some of the oldest universities owe their beginning to the Catholic Church; among them you will remember Oxford and Cambridge. I think the Catholic body in Massachusetts know and prize the value of education. Many of them, deprived of it by the Government in the Old World, have gladly availed themselves of it here. Is any further legislation necessary? Is not the certificate of the master of a school in which there are at times three or four hundred pupils as reliable evidence of the fitness of a scholar as that of the average school committee man? Is not the certificate of the pastor of a church of a religious denomination in this city equally reliable? Should it not be sufficient? Should it not be *prima facie* evidence that the child is sufficiently qualified? If you want to get at actual results the child himself can be examined by the school committee. So far Mr. Marble, superintendent of schools, says he has found no obstruction. There has been no complaint made in behalf of the people of this Commonwealth that any opposition has been made to an intelligent and neighborly examination of any school. Had it not better go along as it has been going than to enforce upon the people an inquisitorial system by an invasion of the private rights of the citizen, by the passage of a law which is certainly contrary to the spirit of our institutions?

I would say, Mr. Chairman, that so far as I am informed, there are about 40,000 pupils in attendance

upon the parochial schools in this State. Taking the cost as six dollars per scholar, it would be about $240,000. A body of people willing to make such a sacrifice are entitled to some respect and consideration from the community at large.

The next hearing took place on March 13 and, as before, the petitioners were heard first.

Brice S. Evans, a real estate dealer in Boston, and a strong supporter of the Rev. Justin D. Fulton in his attacks on the Catholic priesthood, spoke first. He said he was "in favor of Massachusetts running all private schools," and that he was opposed to any Pope or potentate interfering with the public schools of Massachusetts.

The Rev. Joseph Cook, the lecturer, said: "I think all the private schools of the State ought to be managed by it, whether Catholic or Protestant. I am a Protestant; I call myself an humble pastor's assistant; but I am wedded to the American system of common schools as it stands, against dividing the school fund. If you appoint State officers for the purpose of keeping up the standard you will be dividing the school fund, and that, I express my humble opinion, calls for apprehension."

Asked by Mr. Donnelly how he would obviate the difficulty he thinks inseparable from State inspection of private schools, of the diversion of a certain amount of the school fund to strictly religious purposes, Mr. Cook thought caution should be exercised in the division of the school fund, and declared that the

opinion of the people seemed to be made up that there should be no division; he wanted no law for Catholics which he would not have applied to Protestants; he would be willing to apply the provisions of the bill to the Adams Academy in Quincy, or the Phillips Academy in Andover (of which latter he is a graduate). He admitted, in answer to a question of Mr. James F. Gorman, of Boston, based on the latest reports of the English authorities, conceding the fact that the scholars in the private parochial schools have excelled, that "the private Roman Catholic schools in England have attained a very high level," but asserted that they have attained no such level in the Catholic countries of Ireland, Spain and Italy, and that the history of Ireland as a whole, and the history of Italy as a whole show that where parochial schools have had free course their standard is low.

Asked by Mr. Donnelly if he had any knowledge of Italian school statistics, Mr. Cook said he had given long study to the subject and made two visits to Italy.

Mr. Donnelly reminded him of Laing's *Notes of a Traveler on the Subject of Education in Europe.* "You have reflected on education under the Catholic Church in Italy. Mr. Laing was a good Scotch Presbyterian of undoubted orthodoxy, and wrote when the Pope possessed temporal power in the Papal States. Is not Mr. Laing authority for then declaring that Rome, with 158,678 souls, had 372 public primary schools, 482 teachers, and 14,099 children in attendance; that Berlin, the capital of a rich Protestant State, with double the population of Rome at the time, had

only 264 schools, and that he did not believe that Edinburgh, the city of his own residence, could appear as well as Rome in the means of giving the poor an education?"

Mr. Cook said the testimony was twenty-five years old, and he didn't believe it anyway. In answer to Mr. McEttrick, he thought the average Massachusetts school committee was qualified to examine in the country but not in the city where there is too much influence in favor of the parochial schools.

Mr. Josiah Quincy, a member of the special committee, being invited to explain the bill said: "The bill contemplates that which is in theory already adopted by Massachusetts and placed upon her statute book, namely, that every child shall be given an education, private or public. The spirit of the law as it stands requires the approval of any private school in order to make attendance at that private school equal to attendance at a public school and afford some security to the public that the private schools do come up to the standard set by the State."

In answer to Mr. McEttrick—"Is not the only standard in this bill the reading and writing of simple sentences? Does it mean anything beyond that?"—"I should say that it does. What the committee is now considering is not the question of bringing the illiterate children up to a certain standard, but bringing all children in private schools up to the standard in the public schools."

Asked if any complaint had been made to the committee as to the inferiority of private schools, Mr.

Quincy said: "My recollection is that at the first meeting in Boston, Mr. Carrigan, of the State Board, made such statements as that the standard in the private schools needed looking after, and raised the question whether their certificates were valid."

Further on, Mr. Quincy granted that there is always some objection to be raised to any extension of the functions of the State; but that the question, he thought, should be judged on the grounds of expediency. As to the private right of the citizen, he questioned whether our law has not adopted the contrary theory, that is, that the State has the first claim upon the child; takes the child and insists that it shall go to school. This question was not raised as a new question by this bill; it is raised by the statutes of Massachusetts, as they have been for a long time, and that the burden is on Mr. Donnelly to show why we should give up our adopted policy.

Mr. Donnelly: "If anything has crept into the statutes which has a tendency towards the exercise of State interference on plea of necessity or expediency, is it necessarily advisable that we should proceed further in that direction?"

Mr. Quincy: "The question ought to be considered upon its merits. I regret very much, indeed, that this question has been made a religious question. Individually I had not the slightest desire to bring it up as a religious question or as leveled against any particular religious faith at all. I regret very much that it has been made to assume that form. I should regret to see any unnecessary or additional friction between the

members of the different denominations. I am free to say that the fact that this legislation would be so received and would be so understood by the members of a particular religious faith, is, in my judgment, one element to be considered by the committee in deciding whether it is advisable to place this legislation upon the Statute Book. There are considerations on both sides. President Eliot of Harvard University urged considerations upon the other side. The question is not a one-sided one. The bill was reported by the committee because they believed on the whole something should be done to raise the standard of education in the private schools, whether coupled with religious instruction or not. In itself, it does not interfere with religious instruction."

Mr. Quincy also admitted that there was no specific evidence offered to show that the instruction given in the private schools would not enable the children to exercise the suffrage and ballot honestly, intelligently and well, but suggested that the committee act not only upon the information presented, but upon belief. He disclaimed personal knowledge of the qualifications of the private schools.

The Rev. Dr. Gordon favored the proposed law, and would have it apply to Protestant, Catholic, Irish, American, German, and French alike.

Mr. Evans asserted parochial schools are established directly by the Pope for the purpose of teaching the heavenly Zion.

Dr. Thomas Dwight thought it striking, in view of the evidence, how little it amounts to. He continued:

"I believe this law as unjust as it is absurd, and absurd as it is unjust, even if it were enforced kindly and fairly; but there is great reason to believe that in many instances it would not be enforced fairly and kindly. The parents of the children in the private schools will feel that the object is to oppress them. It will do injustice and will be effectual in getting up great religious irritation. Mr. Quincy, in answer to a question, said the schools would have to be visited once a year. The bill recites that they are to be visited once a month, and any member of the State Board of Education and any agent shall have the same authority to examine the private schools as the public schools; they are to see how much is taught. It seems to me that it is for me to say where my children shall go to school and not for the Government. That is a right I claim. My ancestors were in the Revolution, and I wonder what they would have thought of this legislation which puts this power in the hands of the school committee. It seems to me that this is eminently unwise, eminently unjust and contrary to the American spirit of fair play and equal rights. It is Russian and not American."

J. W. McDonald, principal of the high school, Stoneham, suggested that the committee ought to consider how far they are going in this bill. "We can leave this thing safely in the hands of the people themselves," he said. "I do not believe there is a private school in the State but that comes up to the State standard, if the State has a standard. If the schools are up to the standard there is no need of supervision.

If you supervise them then, of course, you give them a claim for a division of the school fund. If private schools can compete with us let them do it; we ask for no favors. There is only one way you can injure us, that is by legislating private schools into popularity by adverse legislation." In answer to Mr. Evans' citation of the example of Prussia in taking entire charge of the schools, Mr. Donnelly reminded him that in Prussia denominational education is given, and Catholics get their share of the school money. Mr. McDonald said he wanted no such system here.

Mr. Augustus D. Small, of the Lawrence Grammar School, South Boston: "This bill is the first attempt to control the education of the child; heretofore legislation has been purely negative. This, of course, is the opening wedge, and the result will be complete monopoly by the State. I claim the right to dictate that my child shall be educated in such branches as I please. I believe this legislation is intended to take away that right, and says that my children must attend schools that are approved by the school committee. This law may be very well for the present generation, but in much less than fifty years from now the religious aspect will change. The passage of this law will create divisions in our communities, and it is a question whether it be wise to precipitate such an agitation."

Asked by Mr. Dickinson, "Is it the duty of the State schools to give religious instruction?" Mr. Small replied: "It is not the duty of State schools to give religious education, therefore they are incomplete schools. I regret, sir, that my children must have a

purely secular education in one place and an entirely religious education in another. I think it is an element left out. One of the cardinal ideas of the time is to send the whole boy to school. The highest kind of schools cannot be under State management. It is the spirit of our institutions to encourage private enterprise; to encourage private schools."

Farther on in the discussion he said: The public system heretofore has been purely negative, but by this measure money will have to be appropriated for sectarian purposes; that the public schools had adopted some of their best features from private schools; that no one can claim all excellence for the public schools. Leave the private school and the public school independent, and one will help the other. Tie them together and the speed of one will be the speed of the other.

The third adjourned hearing was held on March 21.

Secretary Dickinson, of the Massachusetts State Board of Education, was the first speaker, and said he was in favor of the provisions in the proposed bill requiring that the child should be able to read and write simple sentences before entering any employment, and that clothing should be furnished by the school committee to pupils whose parents were unable to provide necessary clothing, but that he was not an advocate of that part of the bill requiring the inspection of private schools, and, on the contrary, was opposed to it, whether the inspection was by the State or the local authorities. "Let the law stand as it is," he said. "In-

stead of examining the schools, let us examine the children who are entering employment, to ascertain if they fulfil the conditions of existing statutes. Let the law already in force be executed, and devise some prescribed form of registration by which the public school authorities may know where the children are."

Asked by Mr. Donnelly if he knew anything of the condition of the parochial schools in the Commonwealth, he said he had never visited them.

Mr. Donnelly: "You advocate bringing, as far as is compatible with private rights, all children in the several communities into the same schools, up to the age of fourteen or fifteen. Is not that seeking an ideal uniformity in children in social, political and moral views? Is it not an idea emanating from military or imperial forms of Government, and would it not tend to discourage individuality in the child and prevent its development?"

To which Mr. Dickinson answered that the public school, in his opinion, developed independence of thought; but he would have the people think alike, and thus avert class divisions. Questioned further, he declared his agreement with President Eliot, of Harvard, as to the inexpediency of State inspection of private schools.

General Walker was the next speaker. He deprecated hasty legislation. He said: "I do not believe that the people are yet sufficiently interested in this subject to give the best effect to legislation; I believe it desirable that the measure should come from the people. No matter how wise the measure, I believe it should

go to the constituencies and should form the subject of discussion in the school districts. This is not a matter that needs to be discussed in a panic. The system which exists has existed for a long time, and the dangers, if any, have existed for a long time. Therefore, it seems to me the farther the discussion is carried the better the object in view will be met and attained."

General Walker wished further to submit to the committee the considerations arising from these questions: What shall be the standard set for the private schools? or what shall be the standard which the State will look to the private schools reaching?

Now the bill demands that the same studies shall be pursued in the private as in the public schools, and the same thoroughness of work insisted upon. It may be said this is already the law; but it is proposed to change the law. It may be seriously questioned whether this is a point which the State can well take, or stand upon. The primary objects, which might almost be called police purposes—as they aimed to guard against ignorant and corrupt voters—of the institution of the public school system by the Commonwealth, were: First, that the child should not suffer as an industrial agent by reason of the want of education, and second, that the State should not suffer injury by reason of the want of proper training.

The speaker deprecated the loading of the system with studies which never would have entered into the original reason for its institution. If the Commonwealth compel the private schools to a certain standard, it should be the standard of necessary things. He

adverted to the cramming process in the public schools, and the consequent severe tax on the nervous force of the children. "Suppose," he said, "there were schools for the 5,000 poor children in the city of Boston, private schools which instead of five hours of cramming ordinarily prescribed should devote only three hours to reading, writing and ciphering simply, and devote two hours a day to some manual training, as carving and weaving and other means of earning a living. Yet you would forbid private schools from doing it. In Philadelphia there now exists weaving schools, but by this law this would be forbidden. Now it seems to me those two modifications of the private schools are desirable, instead of setting up the standard of the public schools which is overwrought. I have lately been engaged in making a very considerable reduction in the amount of arithmetic taught in the public schools and the instruction in other branches of knowledge requires some revision, yet you would require the private schools to throw overboard the industrial features because they cannot otherwise reach the standard of the schools cramming arithmetic, etc."

General Walker called attention to this feature of the bill, that the State ascertain by inspection whether the private schools come up to a certain standard, and to provide that the teacher be certified; and asked: "If the private schools do reach the same standard, is it just to require that the teachers should be certified?" He said in conclusion: "In my judgment there should be very long and deliberate consideration before so great a departure is made from the established methods

of dealing with private schools. The fact that the State has a right is the very last reason why we should do it. I would like to see an inquiry, town by town, whether the great mass of private schools are doing justice to the children in their charge; if, as a matter of fact, these scholars are being prepared for citizens, it seems to me to say that we have the right is the worst reason in the world and the poorest reason in the world, and the second poorest reason is that it is logically involved in something we have already done. The best reason is, is it best? Is there any real grievance? Let the subject be commended to the people's attention. Let the fact, if it is one, that it will necessarily excite much religious opposition, have its fair weight and no more, and if necessary for the Commonwealth to do it, the Commonwealth will do it and stand by it."

In answer to the chairman's question, General Walker said he would favor the registration of private schools. He thought it as reasonable as requiring physicians to register the birth of children, and requiring the registration of marriages. In answer to Mr. Donnelly's question whether, since there are in the Commonwealth 100,000 French-Canadians attached to their language and customs, is it wise and proper to have this provision of law in the statutes, that no instruction shall be in any language except English?

"I think if you had an Italian or French Canadian child, if you were considering the best good of that child, you would say, give instruction in his own language, French or Italian, and would not waste time

in trying to teach English or subjects in a language he did not understand, but I should push him forward just as soon as he became capable of studying in that language." He accounted the acquisition of the English language "secondary, but very important, and by no means to be sacrificed."

Emory J. Haynes, pastor of Tremont Temple, said it was a cause of apprehension and alarm to have so large a percentage of the youth, amounting to 40,000 or 50,000, educated in schools beyond the supervision of the State, and that the question of state inspection of private schools has the sympathy of the conscience of Massachusetts, and of its inhabitants, especially those whose lineage is American.

The Reverend Dr. Bartol began by stating that he is a Protestant of the Protestants, and a poor radical and heretic at that, with a feeling on his part that religion should be taught in all the schools. He would object to the instruction of any particular denomination of its own forms and articles and its particular creed in any school which comes under the authority of the Commonwealth and derives pecuniary support from the Commonwealth. He would not allow that religion is identical with any Catholic or Protestant form, but he continued: *"I think there is tremendous power in the accusation that our schools are Godless.* They are worth not an atom to me in making good citizens if Godless. This Commonwealth was founded upon the ground of piety and respect to the Supreme Being, but what do I see? Daily as I walk the streets and suburbs of Boston, what is indeed a cause for

apprehension and alarm—the irreverence of youth—to my mind the most alarming system of the time. I would rather send my child to a Roman Catholic, to a Mohammedan, to a Greek institution where the fear of God was taught than where that idea was left out. I would not give a penny to the most accomplished teacher who had it not in his heart to require this reverent feeling. . . . It seems to me that this lack of a feeling of reverence has produced in this country in political life an intellectual monster, a man of great ability in Congress, at the bar, but lacking in sentiment. I quite agree with George Washington: 'You cannot teach any satisfactory manners or morals without religion.' Morality and manners, as we call them, are the blossoms of piety. I don't know how it is to be done; I do not believe in a mere intellectual education. We cannot teach the youth to be good citizens, therefore, if the school is Godless. If we have proceeded on a false assumption, then the way is to make them Godly. We are an unmannerly race, we ought to be more courteous; courtesy between man and man I would have the children taught. Courtesy always implies reverence to the Unseen One. I do not think that any atheist, if he carry his atheism to the extent of denying and throwing insult upon the Supreme Being, can be courteous, because courtesy implies reverence. Therefore, I am glad of all the religion which can get into the parochial schools. I should be delighted if you could get as much or more into the public schools."

The Rev. Edward Everett Hale: "If I had the honor

of serving on the committee, I should have urged that no child before fourteen years old should be allowed to enter a factory. I am a trustee of the oldest private school in the state, the Roxbury Latin School, with two exceptions the oldest in the country. It was founded in 1745 by the people of the town of Roxbury, but maintained as a private school ever since. As a trustee of a private school I know just what the bill will be. The bill attempts a great deal more than it meant to attempt, if I understood Mr. Quincy. We will gladly furnish a registration of our boys annually and make that registration good from time to time, but it will be rather hard to make an examination once a month. We are on the most cordial terms with the public schools. We keep so good a school that Roxbury never kept a public school for the teaching of Latin and Greek. We therefore have very close relations with the public school system, but if we are obliged to send all our teachers to be examined by the school committee of Boston those relations might be changed. We have always appointed our own teachers, and the reputation of the school has been very high. There are some persons who say it is the best in America. I think it is. We have never found the need of inspection. If we need inspecting, with all courtesy to the present school committee of Boston, I should say that in matters of education the board of trustees of the Roxbury High School are a body of men to whom the people would go with as much readiness as to the school committee of the city of Boston. It would be a hardship and inconvenience. It would

certainly be humiliating. If the committee would simply say that nobody should go into the factory under the age of fourteen it would not cripple the factories, and you would get out of your difficulty. I am going from this place to teach a class in history; under this bill am I going down to the school committee for a license to teach a class in my vestry? I can conceive that under such a statute they could make us no end of difficulty and nonsense. We should not like to find ourselves under the government of a school committee chosen by a board of politicians and liquor dealers; this thing works both ways; you might have school committees who would make any amount of difficulty for Protestants and school committees who would make any amount of difficulty for Catholics."

Asked if there were pupils in his school who came under this bill, he answered:

"Yes. I am opposed to child labor at all, and I wish that the limit was sixteen instead of fourteen, but your committee are too timid. If you gentlemen would only have the pluck to say that no child shall work under fourteen, the whole thing would be settled, and that is what you have got to do, in my opinion."

The incidents of the fourth hearing, on March 28, included the remarkable defense of citizen rights against bigotry by Colonel Thomas Wentworth Higginson, of Cambridge.

Those favoring the bill being invited to address the committee first, the Rev. Mr. Leyden, who announced himself as a member of the Clarendon Street Baptist

Church, said: "I am in favor of this bill. I received my education in a parochial school in the state of New York, and I propose to speak from experience and facts not down upon the page of the text-books given to the children in the parochial schools. Protestants are at a disadvantage in arguing this question, owing to this teaching not being printed. The teachings of the parochial schools, as I have reason to know, are dangerous to the United States of America and especially to Massachusetts. If the Roman Catholic sends his child to the parochial schools it is not from choice. The Church of Rome has intimidated him by withholding the Sacraments from him if he dares to send his children to the public schools."

The Rev. Mr. Leyden was branching out into a tirade against the Catholic Church in general, whereupon Mr. Donnelly suggested that what the doctrines of the Catholic Church are did not seem to be germane to the question under consideration, and the chairman coinciding with Mr. Donnelly, suggested that the speaker confine himself to the bill before the committee. Mr. Leyden resumed on the old lines, but was again called to order, whereupon he asserted that the Catholic Church is aiming to get control of the public school system in order to corrupt the citizenship and that it aims to divide the American people.

The Rev. James M. Gray, rector of the Reformed Episcopal Church, on Dartmouth Street, Boston, favored the bill as necessary to secure to all the children that modicum of education and that immunity from hard labor which the State feels they should have.

He further favored it as necessary to secure to the children instruction true to the facts of history and requisite to fit them for the responsibilities of free government. In his opinion it is a broader issue than an issue between Protestants and Roman Catholics, for there are Protestant Episcopal parochial schools as well as Roman Catholic, and there are some Germans at the West who propose having their national schools. "We do not know what our children are being taught in some of these schools," he continued, "any more than we do in some of the Roman Catholic parochial schools."

The Rev. M. R. Deming, Baptist Tabernacle, Boston, favored State inspection, on the grounds, first, that private schools are, as a whole, and will always be inferior to the public. He studied in a private school himself, and found he had been swindled. He believed the public schools to be the bulwark of our liberties and the bulwark of our happiness.

Colonel T. W. Higginson, of Cambridge, lecturer and author, who followed, said:

"I am here to speak for nobody except myself, except so far as I may say something for a class who seem to have no representation here, the people of the State who are interested in education for itself, and not as a mere fighting ground between Catholic enthusiasts on the one hand and Protestant enthusiasts on the other. I came here to discuss this matter solely upon secular grounds, upon educational grounds per se; I came here not expecting to allude to this religious question. . . . Mr. Chairman, I took my first lessons

in religious liberty when I stood by my mother's side and watched the burning of the Ursuline Convent in Charlestown, a Catholic convent burned by a Protestant mob; I took my second lesson when in the Know-nothing days I saw procession after procession of Protestants march through the streets then occupied by Irish Catholics, with torchlights and having every form of insulting banner in their hands, and making every effort to taunt those Catholics out of their houses and bring them into a street fight which, from the self-control of those naturalized citizens, they failed to do. I hope never to live to see the renewal of those questions, for if those scenes were to be renewed it would not be necessary to go farther than this room to find those who would lead the mob.

"I wish to state two strong points against any such bill as this, which points present themselves to me, not as an expert in education, but as one having spent a large part of his life upon school committees, three years on the State Board of Education and two years on this committee. The two points which seem to me fatal to any attempt at public inspection of private schools, beyond the simplest obtaining of statistics and a mere guarantee that children are taught to read and write, are these: That the State provides no body of men who can possibly carry out the provisions of this bill if it is enacted, and in the second place, if there were such a body of men, and if the bill could be carried out, it would practically kill all experiments, in the way of education, which are always made, from

[illegible] necessity of the case, in private and not in public [illegible]

[illegible] course for the State of Massachusetts to pursue [illegible] use its school committees and its superintendents that it shall make the public schools models and [illegible] private schools off the track because the [illegible] schools are better. If you want to settle this question just issue a circular letter to the school committees of the State. Don't ask whether they are Catholics or Protestants, don't ask whether they think well of Leo X. or the Medici family, but ask them: Would you be prepared to discharge that duty for the coming year? I would risk the whole thing on the answer you would get from the school committees, as it would throw great additional duty upon a body of men who cannot discharge the duties already upon them.

"The question between private schools and public schools is not a question of religion. It is an educational question. I stand as a Protestant of the Protestants to speak for the opportunity of the private school to do its work, and for the parent who wishes to educate his child in the private school to do so. It is the right of the parent, within the necessary limits which this state has fixed as a minimum of training, to choose his own school; and any attempt to invade what is equally the right of Protestant or Catholic by raising a hurrah and bringing together an audience to applaud every sentiment of religious narrowness will never prevail with the Massachusetts Legislature or with the Commonwealth of Massachusetts."

Asked by Dr. Gracy, of Salem, if the State had not a right to interfere, if it were convinced that the historical teaching in private schools is false, Colonel Higginson answered, "Heaven forbid!" He thought, however, that the State might lawfully see that the children were taught to read and write, even though there might be some hardship. Every inch that went beyond reading and writing was dangerous.

Mr. Donnelly: "You will remember that there is no provision of law for the purpose of ascertaining results so far as the education of the child is concerned. The law has gone only so far as to require attendance a certain number of weeks at school, but whether the child has acquired a certain sum of knowledge the State disregards. Now, as a method of dealing with this question, it has been suggested, first, that the school committee itself make the examination of the child, and, secondly, that the certificate of the pastor of the parochial school should be received on the theory that it ought to be reasonably conclusive; thirdly, that the master's or teacher's certificate should be received. These are three methods of avoiding the question of State inspection."

Colonel Higginson thought that of the methods suggested the only practical one is the system of individual examination of those who wished to be employed in any factory.

Asked by Mr. McEttrick: Would not that obviate the necessity of an approval of the school? Would it make any difference whether the school was inspected or not? Colonel Higginson said: "I do not know that

it would, but I think the right of inspection should be retained."

The final hearing, before a large assemblage, took place on the following day, which that year was Good Friday.

The Rev. Cyrus A. Bartol made a few brief comments on the views expressed by Colonel Higginson at the Tuesday hearing, and then Mr. Leyden, who spoke at the same hearing, asked permission to speak again, and began by flourishing in his hand some scapulars, medals, and other Catholic emblems, declaring that Catholics were carried away by such stuff to the exclusion of instruction in the doctrines of Christianity. He then read an extract from the forty-fifth proposition of the Syllabus, declaring vehemently that the teachings of the Catholic Church on the question of public schools was monstrous, and tended to render her members disloyal to the institutions of the State, and dangerous citizens. He repeated what he said before about his imperfect training in the Brothers' School in Jay Street, Brooklyn, and sweepingly asserted that the instructors in the parochial school were entirely unfit to perform the work assigned them, and sent the children out from their schools imperfectly trained and wholly unfitted for the duties of life. Mr. Donnelly questioned Mr. Leyden in reference to the catechetical instruction given Catholic children, and directed his attention to the common version of the Catholic catechism, a copy of which Mr. Donnelly held in his hand and read from while interro-

gating Mr. Leyden. Mr. Leyden first professed not to recognize the catechism, but subsequently admitted that the children were taught from it in their religion, yet that whatever was taught them they were subsequently made to unlearn in the confessional. Mr. Donnelly then questioned Mr. Leyden in reference to what the catechism in use teaches of obedience to parents, to magistrates, and to all in lawful authority under the State. Mr. Leyden, while reluctantly admitting that Catholic children received such instruction, asserted that it was negatived by later instructions from the priests.

Mr. Charles Carleton Coffin said that the State should have a knowledge of the whereabouts of all its children, as to whether they were being fitted to become good citizens. Visitation of private schools commended itself to his judgment; but, when it came to assuming control of all the private schools, that should be considered with care; he would not crush out the private schools. As far as parochial schools were concerned he did not think this community ought to go into a warfare on the question of schools. In reply to Mr. McEttrick, of the committee, who asked him if he did not think the result which he desired could be secured under the present law, that is, outside of the matter of registration, Mr. Coffin replied in the affirmative.

Mr. George P. Richardson, of Boston, asked Mr. Coffin whether he would have the schools controlled by the State or by the secret congregation of the inquisition. Mr. Coffin replied, "By neither."

The Rev. William Bradley spoke of the primary right of the child to education, and said the State should furnish it. He would oppose sectarianism in the schools.

Mr. Michael Molay made some remarks about private schools in the north of Ireland. The chairman called the gentleman's attention to the fact that the quesion under consideration was one of schools in the United States. As nearly as could be gathered from Mr. Molay's rambling remarks, he should have appeared on the affirmative side.

The Rev. Thomas Magennis, Jamaica Plain, spoke next:

MR. CHAIRMAN AND GENTLEMEN:—Many things have been said concerning parochial schools in the course of this hearing by those who advocate the passage of this bill, which, on being questioned, they have been compelled to admit were said without any positive knowledge of the parochial school system in this State. I have been the director and superintendent of a parochial school in Jamaica Plain for the past fifteen years. Previous to that time I was a member of the school committee of the town of West Roxbury. I beg leave, with this experience in connection with both systems of education, to present for your consideration my views on the bill now before you.

The State has a perfect right to prevent illiteracy. All men acknowledge this. None wish it more earnestly than Catholics. But we maintain that the State has no right to go beyond this and say where or how parents shall educate their children. If they are illiter-

ate, let the State supervise their education till the stigma of illiteracy is removed and everybody will look on approvingly. There are many intelligent people, however, who believe that the mind of a child is forced to undue effort if it is compelled to perform mental work continuously during its tender years. These people advocate that children should be placed under the care of tutors and governesses, who for a few hours a day should have charge of the children, and teach them gradually the elementary branches of useful knowledge, such as to distinguish numbers, call things by their proper names, acquire a correct method of speech, and eventually read and write simple sentences. Can the State interpose its laws and say to these people, "This is all wrong! You must do as we do in the public schools, and follow the course of study prescribed by law." Their only reply would be, "If our children are growing up illiterate, you may enforce your laws to prevent it. But apart from this their education must and shall be planned by us. If they are well instructed in the rudiments of learning, they comply with all constitutional laws, and we may decide, without consulting the State, to devote their time to the study of modern languages, music and drawing or painting, to the exclusion of geography, algebra, or grammar, if we so elect. The State has no right to insist upon the study of hygiene and physiology any more than it has to demand proficiency in the theory of evolution or fluency in speaking a foreign tongue. If then, private schools, parochial or others, are such that the charge of illiteracy cannot be brought against

their pupils, why should the State interfere with either their teachers or their studies? We do not admit, we cannot, for it is false, that parochial schools as a rule are inferior to the average public school, and we resent and repudiate the charge with a most emphatic and indignant denial. It seems, sir, to be taken for granted that the public school, from the very fact of being such, is faultless.

Listen to what Charles Francis Adams, Jr., said of the schools of the town of Quincy in 1873. In the examination of the public schools of Norfolk county, including such thriving and intelligent communities as Brookline, Dedham and Quincy, the average of examinations was only fifty-seven per cent. Mr. Adams, speaking of the examination in his own town of Quincy, said: "The result was deplorable. The schools went to pieces. When the test of reading at sight was applied, the result was simply bewildering." Again, in the report of the Quincy schools of that year, he says: "The pupils of the Quincy schools could neither speak nor spell their own language very perfectly, nor read and write it with that ease and elegance which is desirable." And yet, gentlemen, there was then no thought of special legislation to remedy this state of affairs. Even the secretary of the State Board of Education was not then alarmed. With the figures before him of fifty-seven per cent. as an average of the Quincy schools, he says: "This examination shows an average of excellence that ought to encourage the most zealous and nervous friend of our Massachusetts system of public schools." Gentlemen, let me assure

you that if such a state of affairs was found to exist in any one of our parochial schools, that the average percentage of scholarship was only fifty-seven, the superintendent of that school would soon have his teachers either removed or so improved in their methods of teaching that the average of excellence should be at once brought to a far higher percentage. If the secretary of the State Board of Education considered that a favorable showing for any school, then are all our parochial schools *ipso facto* up to the required standard as set by him. We have never, gentlemen, been obliged to take refuge behind such figures as these, nor would we ever consider them a creditable showing for any parochial school.

This hearing, gentlemen, has demonstrated the fact in the most positive manner that all educators are not so wedded to the public school system as to give it their unqualified endorsement. Witness the president of Harvard University, the president of the Massachusetts Institute of Technology, the Rev. Edward Everett Hale of the Roxbury Latin School, Mr. Ladd of the Chauncey Hall School, Rev. Dr. Bartol, Colonel Higginson and others, none of them Catholics, and yet all of them advocating fair play for private and parochial schools, believing them to be equal and sometimes superior to public schools. . . . It is not I, but the venerable Dr. Cyrus Bartol, whose wise sayings have for so many years been followed unhesitatingly by hosts of admirers in Boston and elsewhere, who says that the public schools are a failure because they do not give what they claim to give—a thorough education—

He further favored it as necessary to secure to the children instruction true to the facts of history and requisite to fit them for the responsibilities of free government. In his opinion it is a broader issue than an issue between Protestants and Roman Catholics, for there are Protestant Episcopal parochial schools as well as Roman Catholic, and there are some Germans at the West who propose having their national schools. "We do not know what our children are being taught in some of these schools," he continued, "any more than we do in some of the Roman Catholic parochial schools."

The Rev. M. R. Deming, Baptist Tabernacle, Boston, favored State inspection, on the grounds, first, that private schools are, as a whole, and will always be inferior to the public. He studied in a private school himself, and found he had been swindled. He believed the public schools to be the bulwark of our liberties and the bulwark of our happiness.

Colonel T. W. Higginson, of Cambridge, lecturer and author, who followed, said:

"I am here to speak for nobody except myself, except so far as I may say something for a class who seem to have no representation here, the people of the State who are interested in education for itself, and not as a mere fighting ground between Catholic enthusiasts on the one hand and Protestant enthusiasts on the other. I came here to discuss this matter solely upon secular grounds, upon educational grounds per se; I came here not expecting to allude to this religious question. . . . Mr. Chairman, I took my first lessons

in religious liberty when I stood by my mother's side and watched the burning of the Ursuline Convent in Charlestown, a Catholic convent burned by a Protestant mob; I took my second lesson when in the Know-nothing days I saw procession after procession of Protestants march through the streets then occupied by Irish Catholics, with torchlights and having every form of insulting banner in their hands, and making every effort to taunt those Catholics out of their houses and bring them into a street fight which, from the self-control of those naturalized citizens, they failed to do. I hope never to live to see the renewal of those questions, for if those scenes were to be renewed it would not be necessary to go farther than this room to find those who would lead the mob.

"I wish to state two strong points against any such bill as this, which points present themselves to me, not as an expert in education, but as one having spent a large part of his life upon school committees, three years on the State Board of Education and two years on this committee. The two points which seem to me fatal to any attempt at public inspection of private schools, beyond the simplest obtaining of statistics and a mere guarantee that children are taught to read and write, are these: That the State provides no body of men who can possibly carry out the provisions of this bill if it is enacted, and in the second place, if there were such a body of men, and if the bill could be carried out, it would practically kill all experiments, in the way of education, which are always made, from

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not interfere with private schools; that the question is a question for the conscience of the individual. The doctrine of the Catholic Church is simply this: that if the faith or the morals of the child be endangered by sending the child to any given school, be it public or private, it is the duty of the parent to remove the child from that school and place it in another one where its morals and faith will not be endangered."

Mr. Donnelly refuted Mr. Leyden's attempt to confirm by an extract from the 45th proposition of the Syllabus his statement that the Catholic bishops of this country advocate the suppression of the public school system, and arrogate to themselves the method of instruction which should be pursued by the State, by reading the extract itself:

"The exclusive control of the public schools in which the youth of any country or State are educated may not, and must not, appertain to the civil power, nor belong to it to such a degree that no other authority shall be recognized as having any right to interfere in the discipline of the schools, the arrangement of the studies, the conferring of degrees, and in the choice and approbation of the teachers.

"Here the Church simply insists that the *exclusive* control of the State schools for the education of youth shall not be exercised by the civil power. Our contention in this controversy goes farther than the Catholic Church would go in one respect, for as American citizens we claim the State has no right to interfere with the parent in the education of his child, unless the parent fails in the discharge of his natural duty

toward his child. Our controversy before the Legislature of Massachusetts is not on abstractions, it is for the preservation of the rights of the citizen; his constitutional right to educate and train his child in such school or institution of learning and with such teacher as he deems safe and fit to trust his child without dictation from any State, city or town authority whatever. Private schools are maintained by private funds and are private property. The teachers conducting them are in the exercise of a private right. The parent who sends his child to them is exercising his private right as a citizen. As such schools have no public grant, are not organized by the State, are not maintained and carried on by the State; as they receive no State grant, nor State bounty, and are not furnished with public buildings or with books from the State, the State can have no property in such schools, and can have no claim to interfere with them. It is adroitly suggested that we should not object to State registration of the pupils in the private schools, as that would mean no interference, nor no official inspection nor visitation. My answer to it is that State registration of the pupils of the private schools would be simply inserting the thin end of the wedge for opening the way to further State intermeddling and interference, and for that reason, on behalf of the remonstrants, I object without any qualification whatever to State registration, State visitation, State inspection and State examination of the teachers of the private schools by any official whatever, until the State shall provide for the support of such schools.

"It is idle to say that the bill before us originated in a desire to regulate the education of children in employment at labor. The official figures will show that not 2,000 such children in the entire State would be affected by the bill or its provisions. It further appears officially by the returns of school committees that out of a total enrollment of 349,600 pupils, but 21,370 were in public schools above the grade of the grammar school. A further analysis of school statistics will show that of those who enter the high school a very large number never graduate, and that less than one per cent. of the school population of the State complete the full course of the grammar and high schools. With such statistics before us it must appear clearly it is not the children who are employed at labor about whom the advocates of the bill are solicitous. Every person who has appeared and spoken before the committee has practically admitted that the aim, scope and object of the bill is to authorize State interference with the private schools to gratify sectarian jealousy.

"I believe, Mr. Chairman, that the hour for closing this hearing has been reached, and owing to the time occupied by others preceding me, I am limited to fifteen minutes to make the close for the remonstrants. Much must remain unsaid which I would have liked time to present to you, but the Legislature itself, when it comes to a discussion of the question, will have the views of all parties presented fully to it by our representatives."

CHAPTER VI

The hearings as recorded by Mr. Donnelly's stenographer and later carefully edited as they appear in the preceding chapter by one who attended them, received much attention in the press, religious and secular.

The able management of the case by Mr. Donnelly, and the high character and sound sense of the non-Catholic citizens who came at his request to defend the threatened rights of their Catholic friends, neighbors and oldtime fellow-soldiers resulted in the ignominious defeat of the Private School Inspection Bill.

The bigots were infuriated, and threw prudence to the winds. The Master of the English High School, of Boston, calumniated the Catholic doctrine of indulgences before his class in history, in which there were many Catholic pupils. He stated that an indulgence was a permission to commit sin, sometimes bought with money; and, in illustration, declared that in a Catholic country a murderer brought before a judge would be promptly freed on showing his indulgence papers.

When a Catholic pupil protested against this atrocious slander, the master merely replied that he would hold to his own opinion, though the pupil was free to cherish his.

The incident was made public, but in hope of bringing the teacher to a better mind and gentlemanly

reparation, his name and the name of the school were withheld. The forbearance was wasted. At the next opportunity the calumny was more offensively reiterated. The Rev. Theodore A. Metcalf, a convert priest of Puritan ancestry then rector of the Gate of Heaven Church, South Boston, now of Washington, D. C., lodged a formal complaint with the Boston school committee, and the master, when called to account, fell back upon an ambiguous but offensive footnote in Swinton's *Outlines of History.* The committee on text-books, composed of three non-Catholics, the Rev. Dr. Duryea, G. B. Swasey and E. C. Carrigan, and two Catholics, Dr. John G. Blake and Judge Joseph D. Fallon, pronounced Swinton's *Outlines* inaccurate generally, and ordered it dropped. The committee concurred in the recommendation, censured the master and ordered him transferred to some position in which his bigotry would not injure the service. It is worthy of note that no Catholic attempted to deprive this misguided teacher of his means of livelihood, nor entered into any criticism of the public schools themselves.

Sunday after Sunday Tremont Temple, Music Hall, and other Protestant places of worship echoed to denunciation of all things Catholic. The incendiary sentiment, "Burn the parochial schools!" was received with enthusiasm. The Evangelical Alliance, long since passed away, made a formal petition to the School committee for the restoration of Swinton's "Outlines," and the reinstatement of the deposed master.

The respectable and refined members of the Protestant body had, of course, no part in these disreputable proceedings. Indeed, Professor Fisher of Yale University publicly denounced as an abominable slander the assertion that the Catholic Church had ever granted licenses to commit crime, or taught that the forgiveness of sins could be bought with money. And he is everywhere regarded as a most eminent Protestant historian.

The school controversy was introduced into business and politics. There were happenings grotesque enough for laughter, had the issues been less serious. On the whole, however, the situation was very like that which had prevailed in other sections of the country more than forty years previous, the new American Protective Association, made up mostly of foreigners, filling in Boston the place of the old "Know-nothing" body which the rest of the country was ashamed to remember.

These "A. P. A.'s," as they were familiarly called, were presently reinforced by a secret society, "The Committee of One Hundred," pledged to war on all things Catholic.

As the city elections drew near, the Protestant women were induced to register in great numbers. The Catholic women, with but few exceptions, failed to register. The school committee elections resulted in the defeat of not only every Catholic candidate, but of every candidate supposed to favor fair treatment of Catholics. The Catholic representation on a school board of twenty-five was reduced to eight, although

the population of the city was, at the time, more than half Catholic.

Made bold by this success the bigots determined on another effort to destroy the Catholic schools.

The new anti-Catholic school bill, (1889) still called an "Inspection" bill, was so virulent as to make that of the previous year appear tame and inconsequent by contrast. It not only assailed citizen and parental rights, but tried to enter the guarded domain of the individual's spiritual concerns, and stand between him and his spiritual adviser.

The adherents of the Rev. Justin D. Fulton, of Dr. A. A. Miner, and some, though not all, of the prominent members of the Tremont Temple Baptist congregation stood behind this bill and tried to invest it with some respectability by securing ex-Governor John D. Long and Rodney Lund as their counsel.

Archbishop Williams, still untroubled by the proposed legislation, rested confidently on the constitution of his native State, and again engaged the legal services of Mr. Donnelly.

Thoughtful Protestants, as heretofore, made common cause with the Catholics, and Nathan Matthews, subsequently mayor of Boston, appeared in behalf of certain private Protestant schools in remonstrance.

The hearings were held in the Green Room of the State House before the Legislative Committee on Education. This committee consisted of Messrs. Campbell, of Suffolk; Howard, of Bristol; Stevens, of Worcester; Bicknell and McEttrick, of Boston; Kim-

ball, of Lynn; Davis, of Somerville; Shepard, of Sandisfield; Bond, of Fitchburg; Keane, of Holyoke; and Douglas, of Greenwich.

Great as had been the interest in the hearings of the previous year, it paled into insignificance before the manifestations of popular concern in 1889. The Green Room and all its approaches were crowded, and if all the bigots in Boston were in noisy evidence, there was a fair proportion of scholarly and thoughtful Catholics and non-Catholics with eyes single to justice, yet not quite oblivious to the occasional absurdities of the situation.

Mr. Long, for the petitioners, stated in substance, after some discussion, that the petitioners abandoned all proposed legislation except the following:

1. Absolute right of inspection and supervision by the local school committee of every private school in which any children between the ages of eight and fourteen were being educated.

2. That every parent and other person having control of a child able to attend school, and between the ages of eight and fourteen, and needing instruction, who would not cause such child to attend a public school, or a private school approved by the local school committee, would be subject to a penalty of twenty dollars, whether it appeared the child was receiving a good education elsewhere or not.

3. That the local school committee shall only approve of a private school when the teaching therein is in the English language, in the branches provided by law, and the text-books used therein are such as may be approved by the committee, and when they are satisfied otherwise of the progress and condition of the school.

4. That any person who shall attempt to influence any parent or other person having under his care or control any child between eight and fourteen years, to take such a child out of, or to hinder or prevent such child from attending a public or

approved school by any threats of social, moral, political, religious or ecclesiastical disability, or disabilities, or any punishment, or by any other threats, shall forfeit a sum not exceeding $1,000, and not less than $300, in each offense.

The first person who spoke in behalf of the proposed measures rather abruptly disclosed the entire animus of the advocates of the bill, showing that their professed interest in the cause of education was only a cloak to disguise their attack against the Catholic body.

D. A. Buckley, the first witness, stated that he published the *Cambridge News*. He declared himself in favor of the bill on the ground that the Catholics of Cambridge were coerced into sending their children to the parochial schools by Fathers Scully and Mundy. After this assertion, he went on to attribute to Father Scully all manner of violent denunciation of the public schools. He wanted the bill for the protection of the Catholics. Protestants can protect themselves. He said he had been educated in the Catholic cathedral school in Boston; he gradually left the Church, and the Catholics have punished him to all the extent they could. He said: "They have invaded my printing office and told my foreman: 'You cannot stay there, you have got to leave the Church or leave Mr. Buckley's establishment.' "

Chairman: "Wait; the line of argument is not in order."

Here the Catholics, Messrs. Donnelly and McEttrick interposed, and begged that the witness be allowed to proceed and have full and free speech.

Mr. Buckley continued, therefore, his attack on Father Scully, varied by denunciations of the Catholic

Church as "a military despotism." Here is a specimen: "I claim that fealty to the parochial school means treason to the State; you cannot feel it as one who has been on the inside of it; you cannot place yourself in the position of a Roman Catholic who has left the Church."

Mr. Donnelly then examined the witness, who admitted that all his testimony against Father Scully was on hearsay. He had never attended his church; and none of the persons on whose report he spoke were present. Father Mundy was reported by a shorthand reporter, whom Mr. Buckley had sent to take notes of his remarks, as saying that he held the keys of heaven and hell.

Another effort towards orderly procedure was made, and Mr. Rodney Lund came forward in favor of the bill. He disclaimed antagonism to any religion or party, but appeared from a deep interest in the Commonwealth and the conviction that the safety of the Republic depended on education being common and general and in the English language. He thought that the bill of Mr. Gracey covered the case, and to Mr. McEttrick he said that he assisted in drawing it. He did not propose to change the law relating to Bible reading in the public schools. The bill, he pleaded, referred only to children between eight and fourteen years. There should be no question of what the law is, and its enforcement should be put under the oversight of the school committee. Mr. Lund said that by the proposed bill no private school can be opened to the school committee if the proprietors object, but such a

school cannot be approved by the committee, and so will not entitle its pupils to the twenty weeks' provision of the law. To Mr. McEttrick, Mr. Lund said that if a heavy penalty were imposed, as contemplated, there could be an escape by taking the poor debtor's oath.

Mr. Donnelly, questioning Mr. Lund, asked if the State should interfere for the prevention of ecclesiastical penalties. Mr. Lund said it should if that penalty was directed to procure a violation of State law. Mr. Lund further said that the right of the State was supreme over the rights of the parents as regards control of the children. To Miss Elizabeth C. Putnam he said it is not without precedent that the State should interfere with a parent's government of his children.

Ira A. Abbott, lawyer, member of the Haverhill school committee, related, from his point of view, the recent case of St. Joseph's parochial school in Haverhill. In answer to Mr. McEttrick, whether he had repeatedly found schools in which there were no teachers competent to teach English to the French children, he said he had never heard complaint to that effect.

Superintendent Albert L. Bartlett, of the Haverhill schools, said that if Judge Carter's ruling was correct we have no compulsory school law. He said there was a spirit to make New England a province of Quebec, its customs Canadian, and its language French. He then gave his version of the Haverhill school case, and the hearing adjourned till the following day.

At the opening of the hearing on Thursday, March 21, Mr. Long said that the people who wanted a

change merely insisted upon two points, that children between eight and fourteen years shall have the fundamentals of an English education in schools which are under the inspection of the public authorities, and that parents shall be free to send their children to such schools as they please, without any interference by ecclesiastical authority.

Superintendent Bartlett, of Haverhill, resumed his discourse on St. Joseph's school, Haverhill, all through which a note of personal prejudice against Father Boucher was apparent. He commended, however, the St. James' parochial school in the same town. It is under the inspection of the local authorities, and its relations with them are harmonious. He granted, also, in regard to the French school, that the sub-committee were received courteously, and every opportunity afforded to learn the methods of instruction. As to the prosecution of parents under the truant law for sending their children to St. Joseph's after the committee had refused to approve the school, Mr. Bartlett said they brought suit against six parents, selecting such as were not likely to suffer if a fine should be imposed.

In reply to a request from Mr. Bicknell of the committee, Mr. Bartlett read the decision of Judge Carter in the Haverhill case.

To Mr. McEttrick, he said it was not only possible to educate French children in the English schools, but it is done. There is little difficulty. He would not advise a teacher to speak French at all in teaching the

French children. They learn English more rapidly by not using French at all.

Secretary Dickinson of the Board of Education favored this method, as the objective, the most approved of modern methods of teaching a language. Further on, Mr. Bartlett admitted that he spoke on theory, never having taught French children himself.

Mr. Bartlett read a letter of Father Boucher, written February 12, 1889, to the school committee, saying that he desired that the St. Joseph's school should receive the approval of the authorities, and asking what changes he should make. The rector had also said the same to him in conversation.

To Chairman Campbell, Mr. Bartlett said there was a sub-committee on private schools, and that it had approved the St. James parochial school in Haverhill. Before approving a parochial school, the committee would observe whether the teaching was in the English language, whether the branches taught were those required, and whether the school was up to the necessary efficiency.

Mr. Donnelly asked if the whole difficulty was not a personal matter between Mr. Bartlett and Father Boucher, and whether he had not given the lie to Father Boucher.

Mr. Bartlett denied that personalities were the cause of the difficulty. Of the 25,000 population of Haverhill, some 2,500 to 3,000 are French Canadians. They have gradually increased during the last twelve or fifteen years.

To Mr. Bicknell, he said that the French children

under eight years of age were left in the public schools, but over that age they were put in St. Joseph's school.

City Solicitor Moody was the next witness, and said that the whole charge against the French parents was that their children did not attend the public schools twenty weeks a year. All matters of excuse, such as poverty or attendance at private schools, must be made by the defendant. The question was whether the defendant had proved an excuse. In the Haverhill case, the prosecution sought to prove that the instruction in St. Joseph's School was by no means equivalent to that furnished in public schools. But Judge Carter held that any means of education, however poor, if furnished in good faith, was a sufficient substitute for a public school education. If this is a good law, then the whole scheme of compulsory education might as well be abandoned.

To Mr. Long, Solicitor Moody made some absurd deductions from Judge Carter's decision, but to Mr. Nathan Matthews, Jr., Mr. Moody said he thought it would be dangerous to go further than the present law in compelling the attendance of children at the public school. He would leave the matter to the discretion of the school committee, with privileges of appeal to the Supreme Court. The matter should not be left in the hands of every police justice. He should prefer to amend the statute.

To Mr. Dickinson, Mr. Moody said there was no doubt that the intention of the statute was to put the matter in the hands of the school committee.

Mr. Donnelly asked whether the main thing was

a side-light on one phase of the school question. He quoted from recent census reports to prove the rapid increase of the French population in Lewiston, which shows 2,959 children of French extraction; Manchester, which out of a population of 40,000 contains 12,000 French; Nashua, which in twenty years has seen the French population grow from a dozen families to a population of 6,000, almost forty per cent. of the entire population. He thought that if so large a proportion of these, and the manufacturing cities, Lowell, Lawrence, Haverhill and Fall River were French, the State should be able to influence their future.

He quoted from the mottoes displayed at a fair held by the Society of St. John the Baptist, for the French Catholic school in Haverhill, and the French Catholic paper, *Le Travailleur,* published in Worcester, to show that Canada and Canadian institutions, rather than America and American institutions, were the ideals of this rapidly-growing element.

Mr. Bartlett waxed pathetic over his own position as butt and target in the Haverhill case, and declared that he appeared only in the interests of the French children who cannot determine their own education. He spoke not as school superintendent, but as a citizen of Massachusetts, loving her institutions, and he made a dramatic appeal for the preservation of the English language.

A brief discussion followed between Mr. McEttrick and Mr. Bartlett as to the merits of the respective methods of instructing a French child in the English language, Mr. McEttrick maintaining that English

could be taught much more readily to French-speaking children by teachers who understood both languages than by those who spoke English alone; and Mr. Bartlett asserting that his experience justified a contrary opinion.

Mr. Donnelly then put direct and forcible questions to Mr. Bartlett, as to whether he was sincere in his apprehension that New England was in danger of becoming a Canadian province unless the French children were compelled to study in English. Mr. Bartlett hoped not—thought it depended very largely—the tendency was that way—and much more in the same vague and uncertain manner.

Mr. Donnelly: "Do you think yourself, as an intelligent man, that any acts of any Legislature can abolish race or religious prejudice? Do you think acts of the Legislature can accomplish that purpose?"

Mr. Bartlett first evaded; and then said the question "demands a great deal of philosophical thought."

Mr. Donnelly: "Has not Massachusetts endeavored to convert Baptists and Quakers by acts of the Colonial Legislature?"

Mr. Bartlett: "Quite likely."

Mr. Donnelly: "Has it not resorted to hanging them?"

Mr. Bartlett: "Quite likely."

Mr. Donnelly: "Is not that kind of legislation legislation of the past?"

Mr. Bartlett would not revive that kind of legislation, but only wanted such as would ensure that children be well taught in the English language.

Mr. Donnelly pointed out the error of entirely ignoring the sentiment which the Canadians have on entering this country; and asked him if he had any further evidence of their want of loyalty—further than what he had quoted, which were the expressions of idealists and not the sentiments of the people. He made plain the absurdity of supposing that such visionary ideas could have any effect on the destinies of Massachusetts.

In response to further questions of Mr. Donnelly, Mr. Bartlett said that his connection with the Haverhill schools began in 1872, and that he has a brother who is a member of the Haverhill school committee. Mr. Donnelly cited said brother, Mr. Horace Bartlett, as advocating in the *Haverhill Bulletin,* as a member of the school committee, the necessity of employing in the public school, which had then fifty children who could not speak English, a teacher who understood the French language—that was in 1882. Mr. Bartlett said the committee had changed their minds since that time.

Mr. Donnelly read from the report of the school committee on the public school at the Pines, Methuen: "The school in the Pines will advance much more rapidly under a teacher whose mother tongue is French."

Mr. Bartlett said that would not change his views at all.

Questioned as to whether he appeared by formal vote of the school committee, Mr. Bartlett grew vague again. Hereupon, at the instance of Mr. Long, Mr. Stover came to the rescue as the representative from

Haverhill. He said that he was requested to introduce the order, and the object of the order was that the committee shall be able to compel parents to have their children taught the English language twenty weeks in a year. This was the wish of the school committee. There were men of various religious beliefs, but no men of French extraction on that committee. Mr. Stover could not word the vote instructing Mr. Bartlett to appear for the Haverhill school committee, but said the meaning of it was that Mr. Bartlett, the city solicitor, and any members of the school committee should appear and try to make the committee on education legislate against Judge Carter's decision.

Mr. Stover alluded to the committee's approval of St. James' parochial school. In answer to Mr. McEttrick as to what is the form of approving a school, Mr. Stover said there is no specified form. He did not account himself competent to institute a comparison between the two parochial schools, but thought St. James' the best.

Answering Mr. Donnelly, he said the Haverhill committee were trying to get a law that these children shall have schooling twenty weeks each year in the English language.

Further questioning revealed the fact that the Haverhill order did not include Section 6 of the original bill, marked 4 in the amended bill presented by Mr. Long on behalf of the petitioners, as to the penalties for persons who use influence to prevent parents from sending their children to the public schools, etc.

In response to Mr. McEttrick, he did not care how

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the child acquired his education, so that it was up to the proper standard. Asked by Mr. Mathews if he would object to allowing a private school to exist which was not under the supervision of the school committee, he said his school committee will be satisfied with the law, no matter what it is; of course they care, but do not care enough to make any trouble about it. They would be satisfied to allow private schools to exist which in fact could satisfy a court of justice that the children there received the same education as required in the public schools.

Discussing the bill, Mr. Donnelly objected to the invasion of the right of the parent. Let the State interfere when the parent neglects his duty. In every instance where a parent is not providing a child with the means of education, the matter should be entirely under the control of judicial tribunals, and not under the control of the school committee. In other words, the State would simply look to the parent and not to the school, and where the truant officer found in any instance a child not being properly trained that would be the subject of a complaint to a court, and the parent would subject himself to a penalty.

Mr. Long pleaded that his clients are urging but little change in the law, except to make it definite. He said: "I would put in a further provision in regard to the approval of parochial schools: 'If any one is dissatisfied with the school committee he may appeal to the Supreme Court.' "

Mr. Mathews, after alluding to the way the bill has been pared down and softened from its original ex-

tensive provisions and bitter spirit, suggested that after the word "otherwise" there should be inserted "that is to say, in some private school not approved by the school committee," thus rendering the parent's right clear to educate his child in a private school not approved by the school committee provided he can satisfy a court of justice that he is educating the child in branches required by law. If that be put in, the main objection on the part of his clients would, he thought, be removed.

Dr. Miner said that the present law made the school committee the eye of the Commonwealth, and charitably suggested that if these private schools wish to be clear from inspection the inference is that they wish to drop below the standard.

Judge Carter appeared, not by invitation, but on his own desire, to defend his decision in the Haverhill case. When the statute was presented to him at the trial he saw what he considered to be the groundwork of his decision. The law, after specifying the schools to be approved, adds, "or otherwise provide a means of education." As an interpreter of the law he would have to recognize poverty, if that excuse were presented for non-attendance; or attendance at the private or half-time schools approved by the committee. The defendants showed that they had availed themselves in good faith of the means of education afforded in the private schools. It was not necessary to show that the parochial school was equal to the public, or had been approved by the school committee. Father Boucher brought in the text-books. No objection was made to

any of them except to a history and a speller. The history was not comprehensive enough; only a few pages in relation to the Civil War. The speller was held up in the most dramatic manner. Solicitor Moody made the discovery that the speller was by a Catholic priest, and said, "published by a Catholic priest," as if he had made a discovery which ought to decide the case.

Said Judge Carter: "I remarked that that had nothing to do with the case; the law provides that no school shall be disapproved on account of any religious teaching therein."

Judge Carter added that he had never given a decision which he thought more satisfactory than that. He was satisfied he construed the law correctly; satisfied it nipped in the bud a bad animus, for he had not left his seat before he heard a few excitable persons and a few religious zealots exclaim: "We shall have another St. Bartholomew! We shall have anarchy and socialism here!" They had sent the judge letters condemning him for going over to "that demon, Rome." He said his sympathies were enlisted in regard to that particular school. He will not believe that children speaking only French if put into schools with teachers speaking only English will make the best progress, and he is opposed to any law which shall say that these French children shall be taught in English entirely. He suggested to add after the second clause: "But they shall not refuse to approve a private school on account of religious teaching therein" and "nor because pupils who are unable to speak English are

taught partly in their own language until they shall have acquired the English language."

Further on, Judge Carter said: "The remark made here a dozen times that the school was established to prevent their becoming Americans is perfect humbug. The larger proportion of those who were naturalized before me were Frenchmen, and a better set of men I never saw; I commented upon it at the time, and discovered, to my surprise, that about half of them were Republicans." (Laughter, renewed when Mr. Long said: "That was an evidence of their intelligence, and evidence that they would become good citizens.")

Frequently in the course of his manful speech Judge Carter emphasized his conviction that the whole affair is an attempt to renew dissensions between Catholics and Protestants—an attempt which he greatly deplored. Mr. Long declared that he also deplored antagonisms on account of religion.

The remainder of the hearing was taken up with a discussion as to methods of teaching English to foreigners; the opponents of the private schools insisting that these could be taught English without any aid from a teacher familiar with their native tongue. Mr. Keane, however, showed that this fine theory was not practised by its advocates.

The fourth hearing took place on April 5, and previous to the opening the chairman was obliged to remind the audience of the impropriety of applause, hissing, or any other demonstration. The case proceeded as follows:

Mr. Long: "I had hoped to put on Mr. Desmond,

an Irish Catholic and also a member of the school committee of Haverhill, but I have a letter from him which I will read." (Begins to read letter.)

Mr. Donnelly: "I think it very important that Mr. Desmond should be present; I understand the gentleman holds a salaried office for which he is indebted to the gentlemen who support this bill, and it seems to me that we should have an opportunity of examining him and not inject here in an *ex-parte* manner his statement."

Chairman Campbell: "The committee can judge of the letter."

Mr. Donnelly: "But the committee would not know that he owes his office and owes his living to these gentlemen if I did not state it; I know nothing of the gentleman; I state it as a fact because I am so instructed."

Mr. McEttrick: "I wish to state here that at the hearing before this committee last year testimony was offered of the same nature. At that time the committee considered the question and refused to admit such testimony; I do not see why Mr. Desmond cannot come here. He has had abundant opportunity to do so."

Mr. Long: "I cannot believe the committee are afraid to have the letter read."

Mr. Donnelly: "Nor are we afraid to have him come."

Mr. McEttrick asked that the matter be referred to a vote of the committee. It was voted to admit the letter, which was accordingly read.

Mr. Donnelly said that the gentleman might have come and given his testimony in a much shorter time than it had taken to write his letter; and that it seemed but fair that he should appear and be examined.

Mr. Long said he was informed by Mr. Bartlett, the superintendent of schools at Haverhill, that Mr. Desmond would come if a time can be fixed when the committee would hear him.

Mr. Donnelly, in behalf of the remonstrants, consented that Mr. Desmond should be heard out of order if necessary.

The letter of Mr. Desmond recites:

"No school should be permitted to exist where representatives of the school board are not allowed to visit it at certain reasonable and proper times. I care not how prejudiced or bigoted a school board may be, they will hardly refuse to approve a parochial school unless they believe that their objections will be sustained in the Supreme Court. Speaking for many intelligent Catholics in this city and State who wish to know from some outside source that their children are not losing ground in the parochial schools and who are now subject to 'taxation without representation' in order to maintain parochial schools and churches, I can only say that they are decidedly opposed to education without representation, and, law or no law, a parochial school which closes its doors against a representative of the school board who comes with honest intentions of fair dealing does not meet with their approval. I, myself, in common with several other young men in this city, have wasted one or two years of my school

life in a very poor parochial school, where we were so crowded into a dingy basement that it was impossible to maintain good order. We were finally obliged to go back to the public schools and begin anew where we had left off. Things have changed, however. Mr. Stover remarked on Wednesday that St. James' school was a 'pretty good' school a year ago. I visited it last week in company with Mr. Goodrich, a former member of the board, and we are prepared to say that it is a very good school, simply and solely because the pastor started out with a determination to make the school the equal of the public schools in every respect, and he has invited honest inspection and criticism. The result is that many Catholics have sent their children to this school who would not have done so if it had not been approved by the school board. . . . Other things being equal, I admit that it is the duty of every Caholic parent to send his children to a parochial school. . . . I disagree with Mr. Moody when he says that in his opinion there is a deliberate purpose on the part of Father Boucher to prevent the children under his control from becoming American citizens. The fact is, that his ideas in regard to education and citizenship are so totally different from those of the most intelligent of his own people and citizens generally that I almost despair of arriving at any satisfactory result in the present difficulty. . . . A year ago, and about six months before the opening of the French parochial school, I had the pleasure of listening to recitations in the Wingate school, where the majority of the children

were French. I was surprised at the facility with which they recited in good English."

At the conclusion of the reading of the letter Mr. Donnelly reiterated his desire that Mr. Desmond appear before the committee. Mr. Long said he would do so if a time could be definitely fixed for such appearance.

Mr. Long said he reserved the right to rebut anything; but had nothing further to say; the Rev. Dr. Miner or Secretary Dickinson might wish to speak.

Dr. Miner: "I have no objection to saying in a general way what I understand, though I was not the drawer of the bill, nor was I in consultation at all when certain changes were made."

Asked by Mr. Keane if he were consulted in regard to the original bill—

Dr. Miner: "I heard it read after it had been drawn. Now, I wish to direct attention to this clause in the bill relating to threats. Let me suppose a case; the gentlemen may say no case ever arose: Suppose a given priest in a given parish says from the desk or makes it otherwise understood through the parish that it is the policy of the Roman Catholic Church to educate all its youth in parochial schools; he makes no threats; he gives a piece of information; he tells nothing new. It is known that this is the policy, just as far as practicable; I do not go into particulars on that subject; these gentlemen will not ask for them; they know them too well already. Now, supposing that priest, having it thus understood through his parish what is expected, should find that Mr. A. B.

declines to take his children from the public schools and send them to a parochial school, approved or otherwise, but having made no threat whatever, proceeds to excommunicate that parent."

Mr. McEttrick: "Will the gentleman define what he means by excommunication?"

Dr. Miner: "I understand; no matter what I understand."

Mr. McEttrick: "I have preferred to ask him that question; he can refuse to answer it."

Dr. Miner: "I am supposing a case; I am supposing that without any previous threats a parent declines or omits to take his children from the public schools; he is refused absolution; a child dies and is refused burial in consecrated ground; he is refused a marriage ceremony under the rules of the Church; or, in extreme cases, excommunicated, which reaches beyond purgatory."

Mr. McEttrick: "Now, supposing the parent chooses not to send his children to the parochial school, is not the parent free by law to do as he chooses?"

Dr. Miner: "If he is willing to go down" (pointing downward).

Mr. Keane: "What do you mean by that?"

Dr. Miner: "The gentleman may think it very wise to feign ignorance."

Mr. Keane: "We don't need to feign ignorance; we have a specimen of it before us."

Mr. McEttrick: "Cannot a man exercise his own judgment?"

Dr. Miner: "A man may."

Mr. McEttrick: "Won't the law protect him in it? If you sacrifice your rights voluntarily are you not to blame?"

Dr. Miner: "A man educated in the doctrines of the Church is under a constraint from his religious education that reaches beyond this world."

Mr. McEttrick: "Can the law interfere in regard to that?"

Dr. Miner: "With regard to the question that has been pressed upon me: The law does presume upon the equality of all men before the law. That is all I care to say, gentlemen. We wish to protect such men in the enjoyment of their personal liberties, and I conclude with the remark, if there is nothing of this sort, the law can do no possible harm."

Mr. Donnelly: "Do you not recognize the necessity of some authority to be lodged in every religious body? Some right to make ordinances, rules and regulations as to the conduct of its members?"

Dr. Miner: "The question is very broad; I recognize the right of every religious body to make regulations within the limits of the public law."

Mr. Donnelly: "Some years ago, when slavery existed, a great many men said there was a higher law than the Constitution of the United States. How are you going to ascertain what that higher law is, what is the guide to direct us in regard to what is the higher law?"

Dr. Miner: "God, through His revelation, has instructed us, and in that respect one man has the same right to come to the primal source as another."

Mr. Donnelly: "If a Catholic should disobey in a matter outside of the domain of faith and morals, would he thereby incur excommunication from his Church?"

Dr. Miner: "My answer is the Pope at Rome and Dr. McGlynn."

Mr. Donnelly: "What is the authority of the Pope outside of the domain of faith and morals? Is it not true that in every Church there must necessarily be some authority to teach and to determine in questions of faith and morals?"

Dr. Miner: "So long as it confines itself to the domain of faith and morals I have nothing to say."

Mr. Donnelly: "The Constitution of the United States is a succession of political dogmas. Why should not each Church have its dogmas?"

Dr. Miner: "I should hope the Church to stand in relation to the law."

Mr. Donnelly: "I simply ask whether or not you do not recognize dogma?"

Dr. Miner: "I do not recognize authority in any man to enforce his dogma."

Mr. Donnelly: "Nor in any Church? A man incurs the censure of the Church by a violation of its rules or regulations, and necessarily incurs the sentence of excommunication. What is his remedy?"

Dr. Miner: "I will answer you. I belong myself to a Church, and we have certain forms of fellowship, certain rules of discipline. If a man is accused he is arraigned and tried on the charges, and if the charges be sustained, he may be dismissed from the

ranks of the Church. But if we do not keep to the civil law, if we violate it, he may appeal to the courts and be re-instated."

Mr. Donnelly: "You seem to have rules of discipline for dis-fellowship; you do not use the word excommunication in regard to your Church, although you use it in regard to the Catholic Church. Is it not proper where there is a violation of the law of an association, a business body, or a Church, that it should have authority in certain cases to expel an offending member?"

Dr. Miner: "No Church has a right to put a man under disabilities for doing what the public law guarantees him a right to do."

Mr. Donnelly: "Then you would have the State higher than the individual conscience of its citizens. The State claims the right to interfere in ecclesiastical affairs, and say when a member shall be considered a member and when he shall not be?"

Dr. Miner: "You are not putting the case fairly; the denomination is obliged to keep within its own rules. Its rules should be so drawn as to be in subordination to the commands of the civil power."

Mr. Donnelly: "I understand that under our system of government, we not having any State religion, the action of the individual in religious matters is left entirely to himself and to the Church to which he belongs, and that his true remedy, if he quarrels with his Church and is unwilling to submit to her decision, is to leave it and go to another where he can have more of his own way, or not go to any at all."

Dr Miner: "If he has the nerve to stand against the authorities, that is just what he will do."

Mr. Donnelly: "In other words, you would have the law interfere?"

Dr. Miner: "Not within the limits of the morality of the Church; I grant every man perfect liberty until he interferes with my liberty. The counsel claims the Church is superior to the State?"

Mr. Donnelly: "I do not claim anything of the kind; each moves in parallel lines; the position of the Catholic Church is simply this: That where a child's faith or morals appear by proper evidence in any given case to be in danger in any school, public or private, then the parent incurs censure from the Church should he continue to send his child to such school. We have had a great deal of misconduct in certain public schools, and Dr. Miner, himself a member of the State Board of Education, knows it. When the morals of the school or of the scholars are bad it is the duty of the pastor to say in such cases to the parent, you must remove your child from the school. Is it not proper for a pastor to warn a parent that a certain school is a dangerous one if it be so in fact? The mere fact that a parent sends his child to a public school does not subject him to censure from the Catholic Church, no matter what may be said to the contrary."

Dr. Miner: "Does not the Catholic Church command the building of these schools?"

Mr. Donnelly: "She does direct the establishing of parochial schools wherever practicable, for the Catholic Church believes that moral and religious instruction

should go hand in hand with secular training, and the Catholic Church favors public schools wherever the Government will consent to denominational training in them. It is her course in Germany, England, Ireland, and Scotland to commend the public schools to her people."

Dr. Miner: "The gentleman has said that the Church and State run in parallel lines, and do not interfere with each other; he forgets what the Pope has said in his encyclical." (He reads from a book.)

Mr. Donnelly: "Please give the author of the book."

Dr. Miner: "It is quoted as from the Rev. Josiah Strong, Evangelical Alliance. I simply say it is the claim of the Roman Catholic Church to dominate in all cases whenever it chooses, and it is against that that I stand here to protest. Protestantism instructs, persuades; the Roman Catholic Church commands; the difference is wide and the difference in administration is as wide."

Mr. Donnelly: "No such document ever emanated from the Catholic Church. The language quoted is not the language of the Catholic Church. The version given of the Encyclical in question is garbled."

Dr. Miner: "You say that the spirit of these statements is not true?"

Mr. Donnelly: "I say the quotation is not an honest one, and I say it is not in keeping with Catholic doctrine. No child in the Catholic Church is taught anything but subordination to the civil authority in all matters within the domain of civil law."

Dr. Miner: "I would call attention to the fact, in

which I think the secretary of the board of education will concur, that the State must necessarily be superior in all things pertaining to it, and further, that the State cannot survive without intelligence."

Mr. Donnelly: "You said the time would come when the State would have to take the education of its children into its own hands. Is that not socialism?"

Dr. Miner: "It is not."

Mr. Donnelly: "Is that not what the anarchists teach in Chicago?"

Representative Gracey, of Salem, here came in to explain his non-appearance in advocacy of his own bill. He said he had been detained at other hearings at the State House, but had, nevertheless, been in the Green Room at several hearings. He disclaimed any disposition to attack the Catholic Church, and said he recognized the work it was doing for God, for humanity, and for religious education. Defending Section 4 of the amended bill, which imposes penalties for any threat of ecclesiastical disabilities, etc., he said it simply proposed that the State should be protected as to the children who were to become its future citizens, and that they should be trained in the best way to secure their becoming good citizens. He cited a case—but declined to give the name—of a woman in Salem who sent her children to the parochial school under religious compulsion; and then cited the case of a woman who had left Ireland on account of the persecution she had been subjected to because she would not send her children to the parochial schools.

Mr. Donnelly: "Can you give the name of the woman?"

Mr. Gracey: "I can, but don't choose to."

Mr. Donnelly: "Do you know whether parochial schools exist in Ireland?"

Mr. Gracey: "I do not know much about it."

Mr. Donnelly: "Now, do you not know that parochial schools do not exist in Ireland? They have there what is called the National System, schools in which religious instruction is given to the fullest extent. Do you not know that it is the system established by Archbishop Whately? There are no parochial schools in Ireland. You state that the Commonwealth's claim to the control and education of a child is superior to that of the parent. Do you as an American citizen think that in keeping with the theory of our Government?"

Mr. Gracey: "I think so."

CHAPTER VIII

The great feature of the next hearing was Mr. Donnelly's opening argument for the remonstrants. He said:

Mr. Chairman: No matter what the shortcomings of counsel may be on the other side, there is one thing we cannot entertain any doubt about, and that is the disposition on the part of the counsel for the petitioners here to be fair and courteous towards all parties. I think we have to congratulate ourselves on the fact that counsel are here this year who have to direct and manage this case. Counsel so distinguished and counsel who are so honest can in some degree diminish the acrimony here of discussion. If my brother Long has exceeded the proprieties, it certainly has not been intentional, but it is probably from that over-zeal that all counsel in the interest of their clients are more or less carried into in the heat of discussion. All I can say is that so far personally I have nothing to complain of counsel, but on the contrary, have everything to say in their favor, and I think that the widest liberty should be extended to the counsel for the petitioners, as we claim that and only that for ourselves.

This whole subject has been under discussion now for over a year in this state. The people of Massachusetts are called the most intelligent people in any commonwealth in the world, and they are so styled,

not by themselves, but by those outside of their territory, and I think that the compliment is not wholly undeserved. Now let us as citizens of Massachusetts discuss and calmly consider this question in the various aspects and the bearings that are necessarily involved in it. There is, of course, the political aspect, and when I say the political aspect, I do not mean it in the narrow sense, in the partisan sense, but I mean it in the broadest sense,—that is, in the constitutional view of the question. We have, to guide us in our public action the fundamental law, which we commonly entitle the Bill of Rights, and the Bill of Rights is the great barrier set up by the fathers of this Republic for the protection, not of majorities, because majorities are always able to protect themselves, but for the protection of minorities, and especially for the protection of individual rights. Our Declaration of Independence recites that, all men are created free and equal. They are created free,—free from what? Free from all restraint whatsoever except to God alone. That is the condition of man in a state of nature. There he is entirely free from restraint by his fellowmen except so far as his fellowmen may, by brute force, be able to dominate over him. For the protection of the individual, society is established, and forms of government are established for the protection of the rights of the weaker ones. Among the natural rights which every man is entitled to and holds dear is the right to the control and custody of his children. The family is a much older institution than the state; and there is no constitution, there is no law that can ever abrogate

the rights of the family. Children are the gifts of God to their parents; their parents are the sole arbiters and controllers of their destiny on this earth. But while parents have rights, undoubtedly, so parents have duties to perform. And where they clearly and manifestly violate their duties and obligations to their children, then some power must intervene to compel the performance and discharge of those duties.

Last year in this controversy the position that the remonstrants maintained was the right of the parent to educate his child in secular matters, in morals and in religion as he considered proper, that is as long as he did not educate them to anything that was in opposition to law or order or morals as recognized in every community whether pagan or Christian. Now that is the great contention in this whole controversy. The contention that we had last year is what comes up to be discussed this year. It may take several years to educate the people in this commonwealth, gentlemen, in the discussion of this question as to exactly what the rights and duties of parents are and as to what the rights, duties and obligations of the state are, but I think as long as Massachusetts exists, the rights of the family and the sacredness of the family will be respected and the natural right of the parent will not be invaded. I am sorry to see that the old charges that were made last year against the people of the Catholic church, the church of a very large portion of the people of this Commonwealth,—over 900,000 out of 2,000,000 inhabitants are Catholics,—but the charges have been made here either through malice or

through ignorance or through both, that the Catholics of this Commonwealth are disloyal to the institutions of the country, and that owing to their peculiar relations to the Church it is utterly impossible to make them loyal, or if they be loyal, that if they are true to their Church they cannot be loyal to the state. Well, that is an old charge. There is nothing new about it; it is as old as the time of Henry VIII., at least, and has been under discussion ever since the Reformation; and my friends of the clerical persuasion can be referred to what Solomon says in his proverb "There is nothing new under the sun," and I think it will be appropriate here.

For centuries the Catholic body in Ireland and in England, like the Quakers and like the Dissenters, it was held, could not be loyal to the government of Great Britain though they were born under it and not under any other flag. Finally religious liberty was conceded to all except the Catholics, for, until 1829, no Catholic was allowed to appear as a member of parliament, or be elected as a member of parliament, or would be received as a member of parliament on the theory of the English law that he could not be a loyal subject and he could not be a faithful representative of the people, or true to the government. There was more than a century of contention about this very question that is brought up here, recently resurrected,—last year for the first time. There was more than a century of contention in the British parliament on that question, and it was so in the Irish parliament while the Irish had a parliament,—no Catholic could be a

member,—none but Protestants could be eligible on the theory that Catholics could not be loyal to the crown. In spite of the fact that most of the people of Great Britain were Protestants and that they maintained a state church; in spite of the fact that they could outnumber the Catholics about five to one, in 1829 the barrier was at last broken down. Intelligence prevailed and it was recognized by the body of the people of Great Britain that a man could be a good Catholic and yet be a loyal subject. That threadbare old charge against the Catholic body is iterated and reiterated daily from the desks and from the pulpits of Boston as though it were something novel and original here, as though it had never been heard of until the charges made within the last year. I do not think to the body of the reflecting portion of the people of this Commonwealth that for one moment it could be viewed as a few partisan zealots and bigots have viewed it, because whatever question there might be on the other side of the water in reference to religious differences, here as we have no state church,—we have not had for some years in Massachusetts,—we used to have I believe, and the ministers used to influence everything, but as we have had no state church for a good many years here, I think it is pretty well understood that a man might be a Methodist, an Episcopalian, a Baptist or a Catholic and still be loyal to the state. About twenty-five years ago while the war was being prosecuted I was called upon to prosecute a schoolteacher at a town called Shirley, in this state, for having punished two children, beaten them, one a child of the age of eight years

and the other ten years of age, for not reciting the Protestant version of Our Lord's prayer. That happened only twenty-five years ago,—two little children were unmercifully beaten in Shirley, one eight and the other ten years of age for not reciting the Protestant version of the Lord's prayer! At that time it was neither politic nor wise to offend the Catholic body on the part of anyone in control in this state because they were being recruited largely for the defense of our common country. The result of that prosecution was the commitment of the master to await the action of the grand jury in Middlesex county on the ground that the government had made out a case, but the grand jury suppressed the bill. We heard nothing more about it.

Now I want to tell you, Mr. Chairman and gentlemen of the committee, what followed. Within twenty years from that time the people of that town employed a Catholic schoolteacher to teach in their public schools. That is the progress of toleration, that is the progress of liberty in Massachusetts.

Extremes beget extremes. An extreme policy pursued by the state to-day, or adopted by the legislature to-day may result in a reaction sooner or later. Sixty-eight towns and cities in this Commonwealth are now populated by the Catholics who are in the majority. It becomes and behooves the members of the legislature in considering this question to look at it in its remotest aspects and bearings. That is what a wise legislature will do,—see what the consequence is going to be in the future, not in the small towns but in the large com-

munities of Massachusetts that we want to keep under wise and proper and judicious control and in the hands of conservative men. I am sure the Legislature will not listen to impassioned appeals from the pulpit or from the platform, and they will look at the thing not as it may be considered for a day but as it may be considered in reference to the future. A special attack has been made upon a people here descended from a noble race; a people who have marked their progress in Massachusetts by the utmost industry, by good behavior, by the greatest interest possible in our institutions, and by being the most orderly portion of the population of the state, take them all in all, for I think that the criminal records of the courts of the Commonwealth of Massachusetts will show that to be the fact, that there are less of them brought before the criminal courts than of any other nationality in proportion to their number. I am speaking of the Canadian French people, as they are called; and that body now represents, as has been said, and as I am informed, about 120,000 persons, or a voting strength, when fully qualified, of about 15,000 votes. Let them be prosecuted and persecuted as it is proposed and you make them one compact body acting with any party or any organization that will assist in defending their rights, it does not make any difference what it is because their interest will be primary then. Theirs will be the most important. That is a matter to be considered. I have nothing to say in defense of those of Irish origin; I think they have vindicated themselves all through their record in this country and in Massachusetts. They

went to the front promptly and they fought, tens of thousands of them, to carry the flag of their adopted country successfully against the rebels. They made common cause with those who were born here and who were descended from the first settlers of this continent, and I do not think they need any defense at my hands. A very large portion of the population of this country to-day are Catholics. A large number of the wives of the men of this country are Catholics. The death of Sheridan is too recent for us to forget. We remember the profession in which he lived, and how he died surrounded by those very religious women who are now made the subject of contempt by those or some of those about me here. And we remember the death of the wife of General Sherman. She was a Catholic; she brought up her children so. I do not think she ever inspired a disloyal sentiment in the mind of her husband, and I do not think any body will suggest that she did.

Now, Mr. Chairman, this old charge that is made here before the committee is ostensibly a charge in reference to the Haverhill school and that they do not use the English language in it. It is the merest, gauziest pretense. It is a piece of hypocrisy that is discreditable to those who pretend that this is the whole charge here. It is not honest, it is not sincere, because it is patent that it is not the Haverhill school question that is at all at issue, that the real question is the question of in some manner or other getting the state of Massachusetts, through the Legislature, to intermeddle

with the affairs of the Catholic body in this Commonwealth, not with the Baptists, not with the—

Dr. Miner: "Will the Chair or counsel permit an interruption?"

Mr. Donnelly: "No sir, I will not."

Dr. Miner: "I wish simply to say that no such charge has been made."

Mr. Donnelly: "I say it is a piece of hypocrisy to make the suggestion that the aim is on the part of these people who are advocating this measure,—and I don't mean to say those who introduced the bill, because I have no doubt many of the gentlemen who have been instrumental in introducing the bill are entirely innocent of any wrong intent, but I mean the force that is behind, this power behind that is pushing the thing forward. We remember the contest of last year. Who sits at the left hand of Governor Long and prompts and suggests what he shall say from time to time? The very gentleman who was conspicuous last year in the same way. I do not name him; everybody knows him; he sits at the head of the table. The same set of people are here who were here last year, but they would make the Legislature believe that the only idea they have in mind is to see that the poor little French children are taught in the English tongue. Now I think that the French people are able to take care of themselves, and so is the Catholic body. They know their rights, they know the duties of their pastors, they know how far their pastors can go and they know what to be mindful of and what to be unmindful of in that direction. Ministers of every religion in the pulpit and sometimes out-

side of it, too, are apt to arrogate to themselves the right to interfere in many matters in which they have no right to interfere, but the common intelligence of the members of their congregations and their self-respect will be sufficient, I think, ordinarily, and is sufficient to protect them from intermeddling by their ministers or by their priests at any time where they attempt it; and I do not claim that my Church is free entirely from that class of persons, and I know the Protestant denominations are not. I know they are not. I know that very often the minister is a great deal bigger Pope than Pope Leo is at Rome over the Catholic body.

"Now, Mr. Chairman, as an evidence of what I have stated of the insincerity of these people who are advocating this measure for the benefit of the people of the state generally, let us see how much such legislation is needed. It is a common saying that figures do not lie. What is the total school attendance in the state according to the census of 1885? In round figures, Mr. Chairman, 350,000 is the total school attendance,—350,000! What is the number attending private schools as they are ordinarily termed? Somewhere about 30,000. Now what mainly is all this legislation aimed at? It is intended—and the bill does not contemplate anything more,—it is intended to protect children from neglect on the part of their parents, children between twelve and fourteen years of age from neglect on the part of their parents! That is the claim,—children who are at work, not other children because we have other laws that protect them. We have laws

provided for looking after children who are neglected and children who are cruelly treated, or truant children and those who absent themselves entirely from school, therefore this legislation aims mainly at children who are at work.

"Now, what is the total number of children between ten and thirteen years of age who are at work in the textile manufactures, because it is not in any other industry hardly that children can be employed, and I have simply taken that branch of industry because it is about all that the children can labor at. Now, what is the total number of children, according to the census of 1885, employed in the textile industries? The total number of children so employed, between the ages of ten and thirteen, is only 2,595, and that is not one per cent of the children of Massachusetts in attendance at school. Only 2,595! And of this number 757 are females, and 1,838 are males. Now what is the total number of illiterate children at work? Four hundred and sixty-seven of both sexes, 145 of this number are females and 322 are males.

I was wrong, Mr. Chairman, about the attendance at the public schools; it is a little over 300,000—304,-369. The total number attending all the schools will make 350,000 in round figures, but the total number attending the public schools is 304,369."

Mr. Bicknell: "What are the figures you gave as to the number employed in the textile industries?"

Mr. Donnelly: "There are 2,595 at work in the textile manufactures, that is, children so employed."

Mr. McEttrick: "At what age have you that?"

Mr. Donnelly: "Between ten and thirteen is all they take. Now all this vast discussion and alleged interest in behalf of the children of the state to see that they are educated, that they are not neglected and brought up in illiteracy by their parents simply is on account of this fraction. I would like to know where you could get a Commonwealth in the world where the percentage would be any less than that or could be made less by law. It is probable that a large number of these children are permitted to be employed because of the utter inability of the parents to get along without their labor. Sometimes it is a widow that has no means of support except that which the child will give her. Sometimes the parents may be dead and the child living with relatives, and poor relatives at that, who are unable to maintain it; and taking all the accidents of life, the accidents and the incidents of life, it seems to me where we have only one per cent. who are in that position, they do not need looking after at all, that the law as it stands is ample for their protection and for the protection of the community.

"Now perhaps this is not the place to say it, but I may as well say it now as later,—Where are the educators of the state at this hearing? Are they on the side of the petitioners? Has there been a man who is known in any marked or eminent degree in Massachusetts or outside of it as an educator who comes forward and advocates this measure? Is there a man who is a thinker in Massachusetts and whose opinion weighs for much with the mass of the thinking and reflecting and educated people in this state who advocates this mea-

sure as it is presented? Where are the Presidents of your colleges? Where are the masters and the principals of your schools? Where are the members of your town and city committees? Where is there any town in Massachusetts which sends any representative here to discuss this question except the town of Haverhill? Not one, not one.

"Now if the educated people of Massachusetts through their proper representatives are not here demanding such legislation, if the thinking and reflecting and known people are not here to demand it, then why should it be seriously considered? Well, I think that it is no harm to discuss it. Massachusetts has always been directing her mind to the improvement of her people. There is much here that is misunderstood in regard to this whole question and perhaps the more we discuss it calmly, coolly and intelligibly, and the more light we will get on it the more beneficial, perhaps, will the result be for the people of all classes and of all denominations. That is what I desire."

"I shall call first, Mr. Chairman, the representative of the French people of the state, if the people please,—Mr. Dubuque, of Fall River."

Representative Dubuque, of Fall River, opposed the bill as an uncalled-for interference with the rights of parents and the rights of conscience. Never heard of threats of excommunication from parents who sent their children to the public schools. Had a right as a Catholic to send his child to the best school he knew of. The parent is above the priest as far as his rights and duties to his children are concerned. The French

people prefer parochial schools. As to refusal of absolution, if he disobeyed the laws of the Church: "If I am dissatisfied with the priest's decision I can appeal from it; I can leave the Church, but so long as I remain in it, I ought to be willing to receive its censure when I render myself liable to it." He believed the bill to be directed against Catholics, and toward doing away with the private schools altogether.

Mr. Belisle, recalled by Mr. Donnelly, gave the whole number of children of French parentage in Massachusetts, per census of 1885, as 94,471.

At the seventh hearing on April 11, Mr. Belisle, Dr. Samuel Cote, of Marlboro', Pierre Bonvoulier, a member of the Holyoke school committee, J. H. Guillet, Esq., attorney-at-law, Lowell, appeared as remonstrants. All their testimony was in accord with that of Representative Dubuque. All scouted the idea of any national movement among the French-Canadians. All had cast their lot in the United States and are loyal to American institutions.

Julius H. Palmer, Jr., of Boston, appeared for himself alone against the bill. If it were passed, he said, it will make the Catholics enemies of the Government. It would be a dangerous law.

As to the assertion quoted as Catholic opinion, from Josiah Strong's *Our Country* that the Pope and priests ought to have authority over temporal affairs, Mr. Palmer said he never heard any such claim made except by Protestant people from Protestant sources. Letters were read from Congressman Greenhalge, ex-Mayor Donovan, ex-Mayor Abbott, and others who

had been on the Lowell school board, to show that the parochial schools were well managed.

At the eighth hearing Mr. Bartlett, superintendent of schools in Haverhill, claimed, as representing the 20,000 citizens of that place, the right to examine witnesses on the side of the remonstrants. Mr. Donnelly said that Mr. Long and Mr. Rodney Lund represent Haverhill as well as the other interests.

Mr. Evans: "They do not represent the Committee of One Hundred."

Mr. Donnelly: "Who does represent the Committee of One Hundred?"

Mr. Evans: "It is not a question of importance to you."

Mr. Donnelly: "Well, that is a 'Jesuitical' answer."

Chairman Campbell favored letting Mr. Bartlett cross-examine. Mr. Donnelly demonstrated that Mr. Bartlett represented simply the school committee of Haverhill, and not public opinion—not even his political party's opinion.

The interest of the hearing centered in the testimony of the Rev. Joshua P. Bodfish, rector of St. John's church, Canton. Father Bodfish is a convert to the Faith, and in looks, speech, manner, a typical New Englander.

To Mr. Donnelly: I was born in Falmouth, Mass; I have been for over twenty-six years a Catholic, and for over twenty-three years a priest. Prior to that time was a minister in the Protestant Episcopal Church; officiated a short time in Connecticut, also in Philadelphia at the Church of All Saints; was associated with

the Rev. Phillips Brooks; lived in the same house. After becoming a Catholic and a Catholic priest, was ten years in New York. When first a priest the school question came up in New York. Asked by Mr. Donnelly to state in a general way his view of the constitutional aspect of the question, of the natural rights of the parent, the general policy of State interference with private schools and the matter of religion in education, Father Bodfish, after expressing his regret that it should be necessary at this late day for Catholics to resist an attack on their freedom of conscience, stated that his parents, relatives and nearest friends being Protestants, and himself personally familiar with all phases of Protestant teaching regarding the Catholic Church, his hearers would more readily understand that he spoke without bitterness or animosity.

He continued: "My genial friend, ex-Governor Long, who has been very wisely called into this case, finds it too nauseous for the legislative stomach, and has discreetly reduced the dose day by day, and has tried to put on a sugar coating to deceive us as to the nature of the potion. We have been deceived too often with nauseous doses of the same character. I am here to remonstrate against this anti-Catholic crusade developed in this form. It is the attempt of a very small, narrow and noisy class of people to interfere with the rights of over 900,000 of the Catholic citizens of this Commonwealth, over two fifths of the entire population of the State. In the great centers it interferes with the great majority of the parents. In Boston, for instance, in 1887 I find there were 12,137

births, and of the entire number 7,382, more than seven twelfths, were baptized in the Catholic Church, according to the official registers of that Church. You see, therefore, in Boston the majority of children born under our Constitution, and to whom the rights of American citizenship are guaranteed, are Catholics. The same is true in the manufacturing centers. Therefore, we justly come here to remonstrate against a set of, no doubt, well-meaning but over-zealous people. I suppose they feel as Saul felt when he went to Damascus, that they are doing God service, and I hope these petitioners may be struck down in the way he was, and receive light and desist from their purpose. I regard this attempt to interfere with the religious liberty of one half of the people of this Commonwealth as unconstitutional. The Constitution of the United States provides, 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.'"

He quoted Article II of Bill of Rights of Massachusetts, and the 11th amendment to the same, which guarantee to all citizens full freedom of worship.

"You see, therefore, that I have good ground for saying that this is the attempt of a few, misguided, over-zealous people to interfere with the constitutional rights of a majority of the people of the Commonwealth. What suggested and what prompted these zealots to undertake to infringe upon the constitutional rights of the great body of the Catholic citizens of this Commonwealth? The only reason that has been assigned here, Mr. Chairman and gentlemen of the

committee, is that they consider Catholics disloyal, and fear that if their influence should predominate, in some way or other they would overthrow the free institutions of this country which we all so much love. It has been asserted over and over again that Catholics' first obedience is to an alien potentate; that in some way or other they have not given their full allegiance to this country. If that were really true, Mr. Chairman, I would not stand here as a Catholic, for I am an American of the Americans, and will yield to no one in love of country or loyalty to its institutions.

"Let us see if there is anything in the teaching of the Catholic Church which could in any wise restrain a devout Catholic from being entirely devoted to his Church and still be as loyal as any person in this community to the Commonwealth and American institutions; I propose to give you high evidence on the matter, not from books published by the Evangelical Alliance, but from the words of the Holy Father, speaking as the head of the Church, whose words we are bound to receive and disseminate. (Quotes from the Encyclical Letter of Pope Leo XIII on the Christian Constitution of States, which was issued November 1, 1885): 'Let every soul be subject to higher powers.—Rom. xiii:1.' Indeed, to contemn lawful authority, in whatsoever person it is vested, is as unlawful as it is to resist the Divine Will, and whoever resists that rushes voluntarily to his destruction. . . . Wherefore, to cast away obedience and by popular violence to ex-

cite to sedition is treason not only against man but against God."

"In a more recent letter on 'Human Liberty,' and dated at Rome, June 20, 1888, it is stated: 'Nor has the Church been less lavish in the benefits she has conferred on civilized nations in every age, either by resisting the tyranny of the wicked, or by protecting the innocent and helpless from injury, or, finally, by using her influence in the support of any form of government which commended itself to the citizens at home because of its justice, or was feared by enemies without because of its power. Moreover, the highest duty is to respect authority and obediently submit to just laws, and by this the members of a community are effectually protected against the wrongdoing of evil men. . . . If when men discuss the question of liberty they only grasped its true meaning, they would never venture to affix such a calumny on the Church as to assert she is the foe of individual and public liberty.'"

In further evidence, Father Bodfish quoted Bishop Carroll, first bishop of Baltimore and cousin to Charles Carroll of Carrollton. Congress sent this bishop to Canada on a diplomatic mission. On this subject of an alien power and foreign jurisdiction, Bishop Carroll says: "There would indeed be foundation for the reproach intended by the words foreign jurisdiction if we acknowledge in the successor of St. Peter any power or prerogative which clashed in the least degree with the duties we owe to our country or its laws. To our country we owe allegiance, and the tender of our

best services and property, when they are necessary for its defense; . . . to the Vicar of Christ we owe obedience in things purely spiritual. . . . Happily, there is no competition in their respective claims on us, nor any difficulty in rendering to both the submission they have a right to claim."

Father Bodfish also quoted Archbishop Ireland, of Minnesota, from a sermon delivered before the Plenary Council of Baltimore: "Republic, monarchy, empire, all fare alike before the Church; the authority in all is divine, and obedience toward all is obligatory."

He cited Cardinal Gibbons' just published circular to his priests, directing the religious celebration of the centenary of Washington's inauguration.

"Does that, Mr. Chairman, look like disloyalty or failure to appreciate the blessings of our free national institutions? Why, Mr. Chairman, there never was a greater calumny uttered. Washington himself said in the dark and troublesome days of the Revolution that 'recruiting for the army went on best in Catholic communities.' "

From later days he cited General Sheridan as a model of patriotism.

Father Bodfish continued: "I have sometimes thought I was as loyal, as patriotic as any man. Coming from a family rendering conspicuous service in the War of Revolution and in the War of 1812, I marched to the front myself during the late Civil War, but when I go into the assemblies of young Irish-Americans and when I go among the people of my congregation and see their appreciation of this country and

devotion to its interests, it sometimes makes me feel abashed. Who so loves liberty as those who have felt the hand of tyranny, as those who have for centuries been ground down by an alien power? The most patriotic people I have met are the Irish-American people. No one more ready to sacrifice his life for his country than the Irish-American.

"My second remonstrance against this bill is from the fact that it is a most useless and pernicious kind of legislation. It is class legislation. It is a maxim with wise legislators not to load down the statute books with enactments which are useless and unnecessary. As Governor Long says, the making of new laws and new crimes is certainly a very injudicious policy.

"A child is supposed to acquire the branches required in twenty weeks in a year when between eight and fourteen. There is no evidence here that any private school does not do all this, and much more than is required. As the law stands the rights of the State are more than safe.

"Then it has been said here, Mr. Chairman, there is not a more dangerous thing for the peace and well-being of this community and for the citizens of this Commonwealth than to divide its citizens on religious lines, especially when one class of those citizens hold to their faith with such intensity as the Catholic people. At present the Catholic people divide, and some vote with the Republicans and some with the Democrats. The people and their priests differ in their views of the tariff, on the political expediency of this or that measure, and that is much the best way, to vote accord-

ing to their convictions in these matters, regarding civil and political affairs, but there is one thing dearer to a man than a high or low tariff, and that is the Christian education of his children. If you have one party, as we see now, coming to meddle with the affairs of his conscience, with his rights, you will naturally have the other party defending his constitutional rights, and the result will be you will drive the French, Germans and every Catholic into one party acting upon religious lines.

"If there is any war which is a bitter war, if there is any strife which is a bitter strife, it is a religious strife, and if there is any strife which as citizens of the Commonwealth we should try to prevent, it is a religious strife on the part of our citizens.

"Again, see how it works practically. In many communities, for instance in Canton where I am at present laboring, the Democrats have the political control. We had an election last week, and it resulted in what they call a clean Democratic sweep. What did the young Irish-Americans of Catholic ancestors do? When it came up in caucus to nominate the school committee they said to themselves, our children are in our own schools and the children of the Protestants are in the public schools, so they put on their ticket three Protestant gentlemen, Republicans, nominated in their caucus, and said, very well, we don't want them to interfere with us nor we with them, and so elected of their own volition, three Protestants. They could have elected three Catholics just as easily. Now you are going to appoint a committee to come into our

schools and say what books we shall use, and would it not be a very natural thing for those Catholic parents to say if you are going to run our schools through the school committee I guess we will have a Catholic school committee, and this Catholic school committee would be very apt to appoint a Catholic superintendent to run the Protestant public schools; that would be the natural result of this bill. We don't want to do this. Those that like the public schools can go to them and run them, and we claim the same privilege to run our private schools as we alone pay for them.

"Furthermore, I believe there is no instance in the whole civilized world where the State undertakes to inspect schools that it does not pay for. We have heard something here suggesting a board of examiners. In foreign countries they have a board of examiners, but, mark you, in those countries the State pays *pro rata* for all the children educated in those schools. You propose a board of examiners, but do not propose to pay *pro rata* for the education of our children. You even propose to go against the Constitutional Amendment, which says that no money shall be expended for any sectarian school. You propose to manage the schools by a State board of examiners. You propose to interfere and intermeddle with private and parochial schools. Is not that absurd?

"We Catholics insist on educating our children in our own schools. It is because we have a profound conviction, acquired by bitter experience, that religious education and secular education should go hand in hand. . . . "

He thus concluded: "These are the reasons why I come here to remonstrate against this monstrous piece of proposed legislation. It is not only un-American and unconstitutional, but it tries to do what no despot, even the Czar of Russia, would dare to do; it endeavors to invade the domain of the conscience. As I have shown, no Government has a right to do that, and no despot would dare to do such a thing. Therefore, I hope, Mr. Chairman and gentlemen, this committee will honor themselves and show their appreciation of the wishes of the people of this Commonwealth by giving the petitioners leave to withdraw."

Mr. Donnelly: "Rev. Dr. Miner, who is present, is credited with having said publicly in 1887: *'There are things going on in Boston to-day in the Catholic Church which, if known to the public and understood, would make them horror-stricken. What is the meaning of cells under our own cathedral here in Boston? Not many of the Catholics themselves know.'* "

Dr. Miner stiffly answered that he did not waste his time denying newspaper reports. He practically repudiated the statement. The examination of Father Bodfish proceeded. Presently Dr. Miner asked: "Are there no excavations, strongly walled, beneath and below the basement floor of the cathedral?" The whole audience, irrespective of religious sympathies, burst into laughter.

Mr. Donnelly then rose and sternly taxed him with responsibility for the words attributed to him. He asked Father Bodfish: "Are there any cells in the cathedral, as stated by Dr. Miner?"

Father Bodfish: "I do not wish this matter to run into a farce or even low comedy. I propose to answer any question in explanation of what I have said, and if the committee wish me to answer this question they have only to say so."

The question was reiterated, with cries from Dr. Miner's friends in the audience, "Answer, answer."

Dr. Miner: "I beg leave to explain. I was informed that there were such places as a matter of fact. I referred to the fact and asked, if so, what are they there for? I received a letter of denial from a respectable Catholic lady stating that they were to bury the dignitaries of the Church in. I made no further remark."

Mr. Donnelly: "But you made the insinuation publicly that they were in existence and used for arbitrary and illegal purposes, and after you received that letter of denial why did you not withdraw the statement as publicly as you had made it?"

Dr. Miner: "I have not yet said that I regarded the reply as authoritative. I ask the counsel if like things have not existed in the institutions of the Church?"

Mr. Donnelly: "The Governments of Catholic countries like Spain, Portugal, and England when she was Catholic, did, from time to time, usurp spiritual functions, and under the pretense of caring for the immortal souls of the inhabitants who were not Catholic did imprison and torture them, but the Catholic Church herself never taught or practised such a course of action, and was no more responsible for such conduct than was the Protestant Church in England when England became Protestant in the persecution by the

Government of Catholics in their religion, nor no more than the Protestant Church of the colony and province of Massachusetts was responsible for the cruelties practised here by the Government in its persecution and hanging of Baptists and Quakers in the past."

To Father Bodfish: "Are there any cells for such improper purposes as suggested under the cathedral to your knowledge?"

Father Bodfish: "No; as the public can see for themselves, at any proper time they choose to examine. The story is absurd."

Dr. Miner: "Are there no excavations strongly walled?"

Father Bodfish: "There are no cells at all."

He gave a minute description of the basement. Asked what was under the schoolrooms:

"Gravel and Boston mud."

Dr. Miner: "I accept Father Bodfish's explanation. I did not reject Mrs. Blake's. I think his more satisfactory."

Father Bodfish: "I wish to add (speaking of the burial crypts under the altar) that in no sense can they be called cells. They are as large and airy as this room, with places in walls for coffins of the deceased archbishops."

Chairman Campbell: "Will the committee be safe to go and see these rooms?"

Father Bodfish: "Only too glad to have you. The rector or the chancellor, Father Neagle, who is here, will take pleasure in showing you the whole arrangement."

Mr. Donnelly: "Do you understand, Father Bodfish, that the Catholic Church is opposed to the public schools of this country, to the public schools *per se,* that is, because they are public schools?"

Father Bodfish: "The Church has never objected to the public schools for those who want them. The Catholic Church enjoins upon all those who have the care of children that they give those children a Christian education."

CHAPTER IX

The Green Room of the State House was again densely crowded for the eleventh hearing of the bill, on the morning of April 18. While the committee was waiting for a quorum, Messrs. D. A. Buckley, of Cambridge, and Brice S. Evans, of Boston, argued with the chairman of the committee, insisting upon their right to cross-examine witneses on behalf of the petitioners.

Mr. Bartlett, superintendent of the Haverhill school board, to settle any controversy as to his right to appear as counsel, read for the committee the vote passed the preceding night by the Haverhill school board, stating that it was and is their intention that Mr. Bartlett should appear in that capacity for them.

Mr. Donnelly asserted that this was the first vote of record authorizing Mr. Bartlett to appear as counsel, and it was passed at a meeting of the board the night before, although Mr. Bartlett had at all the previous hearings claimed he had special authority from the Haverhill school committee to act as its counsel, when, in fact, it now appeared he had received it for the first time as just stated.

Louis P. Plouf, called by Mr. Donnelly, testified that he is a French Canadian, a Catholic, a resident of Haverhill twenty-three years, and of Massachusetts twenty-nine years; is an undertaker and blacksmith; a

citizen twelve years; has eight children, five of whom attend the public schools; resides about half a mile from the parochial school; most of the French people in Haverhill favor parochial schools, as he does himself. Nevertheless, sends his children to the public schools, because at first the parochial school had not room for half the children applying. Lives nearer the public school, and some of his children are rather delicate; has never been threatened with excommunication by the priest for sending his children to the public schools, and has never known of any such threat made to anybody else; the general sentiment of the French people is loyalty to this country; they have no wish to annex New England to Canada, but desire rather that Canada should be annexed to the United States.

To Mr. Lund: The first parochial school in Haverhill was started about five years ago; Father Boucher's last September. French parents generally taught their children French first, feeling sure that they would learn English later, and would thus have two languages. His children had not become demoralized by attending the public schools; the present French population of Haverhill was a little over 3,000; the number naturalized a little over 300; there are about 717 children between the ages of five and fifteen, of whom 680 actually attend school.

To Mr. Donnelly witness said that his wife preferred the parochial school, but, the children being delicate, sent them to the public school, because it was better heated.

Louis P. Poierer, a native of Burlington, Vt., of

Canadian parentage, a Catholic, now a resident of Haverhill, said he kept a shoe store there; was well acquainted with the French Canadians there, and had all their trade (laughter). Had two children, neither of whom was of school age; the French population of Haverhill were unanimously in favor of private schools; he was a citizen of this country; any man who said that there was a sentiment or movement among the French people to make New England a province of Quebec was a man who believed in ghosts (laughter). Was the author of the mottoes displayed at a French fair in Haverhill which Superintendent Bartlett had quoted at a former hearing. Would shoulder all responsibility for them. One of those mottoes was, "Let us Instruct our Children as we have been Instructed." How have we been instructed? Why, to love and respect our parents, and to respect the country in which we live. Another was, "Let us be French Canadians and not Americans." The entire press was accustomed to call French Canadians French Canadians, and they would be French Canadians as long as they were so called. A third: "God watches over the French People," was intended individually and not collectively. A fourth motto had been incorrectly translated, "Let us Keep our Customs." The correct translation was, "Let us Preserve our Manners." This referred to the great number of wooden toothpick chewers that were in Haverhill (laughter).

To Mr. Lund: We desire to have a good degree of English taught in the parochial schools; the parent should decide where the child should be educated; it

was possible for a French Canadian to be a Protestant, but not probable (laughter).

Mr. Lund asked witness which he would obey in case the laws of the Church came in conflict with those of the State.

Witness replied that no such condition was possible. Mr. Lund put the question another way. "Suppose the laws of the Church and the laws of the State conflict, which would you obey?"

Mr. Poierer: "The Catholic Church up to to-day has always advised us to comply with the laws of the country in which we live."

Mr. Lund: "But does not the Church canon specify all 'just' laws?"

Witness: "All just laws, but the minute you pass unjust laws that are not fitting to any enlightened people, then I stand up as an enlightened man and good citizen and say I am going to fight them" (applause).

Mr. Lund read from Vol. III, Cardinal Manning's sermons on *Ecclesiastical Subjects,"* pages 97 and 98, printed in London, 1873, the following passage, where the cardinal represents the Pope as expressing the scope of his office: "I acknowledge no civil superior; I am the subject of no prince; and I claim more than this; I claim to be the supreme judge on earth, and director of the consciences of men, of the peasant that tills the field and the prince that sits on the throne—of the household that lives in the shade of privacy and the Legislature that makes laws for kingdoms. I am the sole, last supreme judge on earth of what is right

and wrong." "Do you," said Mr. Lund, "recognize that as the highest authority?"

The witness: "I do."

Mr. McEttrick of the committee objected to the asking of puzzling technical, theological questions which must necessarily confuse the witness.

To Mr. Bartlett, witness said that the French Canadians in Haverhill desired to associate with the Americans, but were forced to establish their own community because the Americans would not have them. Witness tried to rent a house in Haverhill, where the landlady refused to let him the tenement because he was a French Canadian, and she wanted none but Yankees in her house.

Mr. Donnelly: "Which is your first duty, to God or to your country?"

Mr. Poierer: "To God."

Mr. Donnelly: "If you were a subject of Great Britain, and the Government were to require you to attend Protestant service, would you consider it your duty to obey the Government?"

Mr. Poierer: "No, sir."

Mr. Donnelly: "Once the Government of Japan commanded all her subjects suspected of Christianity to trample on the cross, the emblem of the redemption of mankind, and would you, therefore, if then a subject of Japan and a Christian, deem it your bounden duty to obey such an order of the Government?"

Mr. Poierer: "I would not. I ought to refuse to submit."

Mr. Donnelly: "Then you believe you owe obedi-

ence to your country in temporal matters, and to your God in spiritual matters?"

Mr. Poierer: "I do."

Mr. Thomas J. Gargan then addressed the committee: "As a native of Boston, loving her, I am opposed to this bill. As one who was educated to a certain extent in the public schools, I recognize fully their merits and their defects. I am opposed to this bill, because I believe that Government is best which governs least, because I believe it to be useless, pernicious and contrary to the spirit, if not to the letter, of the Constitution of the United States and the Constitution of Massachusetts. I am opposed to it as a citizen, loving my native city and State, because I believe the putting of such legislation upon your statute book means to engender a bitter spirit among the 2,000,000 people of this Commonwealth. I am opposed to this bill because it is contrary to the enlightened, thinking conscience of the people of Massachusetts. I am opposed to it for another and stronger reason—namely, that this blow is aimed at the existence of the family."

Mr. Gargan complained of the unfairness of the petitioners in quoting as the Pope's alleged words garbled extracts from books published by Protestant houses and edited by Protestants.

"I am opposed to this bill," continued Mr. Gargan, "because it contemplates a law which cannot be enforced. The cry for this legislation comes from a misconception, and, to use a plain word, from ignorance on the part of this people who ask for this legisla-

tion. The whole fourth section, in regard to 'threats,' is one of the most iniquitous pieces of legislation that was ever offered to any civilized body. None of these poor, ignorant Catholics have come up here to ask to be relieved from this tyranny to which it is claimed they have been subjected. The people, who, from the commanding general of the army, General Sheridan, down to the lowest private in the ranks, have proved their loyalty to this country, who have shed their blood in battling for the maintenance of this Government—those men, when a different mission comes, and they are asked to perform something more peaceful, will be as true and loyal in the future as they have been in the past. Do not alienate them by such legislation as this. If those people have the suspicion, well grounded or not, that you mean to persecute them, I appeal to you to respect that suspicion. If you place this law upon the statute book, every man of them would glory in being arrested under the fourth section, and he would want no prouder and better title than that, in the cause of morality and conscience, he disobeyed a bad and unjust law. I say to you, gentlemen, pause. Let well enough alone.

At the twelfth hearing, which began at 10 A.M., April 19, Mr. Gargan, cross-examined by Mr. Lund, said: The first section of the bill differs from the present statute in the substitution of the word "taught" for "furnished" in the clause, "or if such child has been otherwise furnished with the means of education." He objected to this because it implied the right of inspection, and he objected to any law that would,

even by implication, give the right of inspection of private schools; there never was any question as to the infallibility of the Pope; the question did arise as to whether cases should be decided by one justice or a number of judges, and the Ecumenical Council had decided that the Pope, sitting as a judge, should be the supreme judge, and his decision should be binding. He was opposed to the section of the bill which would require the approval of private schools and the text-books used therein, because it was an infringement of private rights; the bill had been covered with a thin veneering, but the veneer had come off; and, reading between the lines, it was perfectly plain that the bill was aimed at the Catholic parochial schools; he objected to the section to impose a penalty for threats of social, moral, political or ecclesiastical disability, because it would interfere with the individual conscience; it might interfere with his conscience. In case his neighbor's daughter was attending a school where he believed immoral practices existed he had a right to say to that neighbor, "unless you remove your child from that school, my daughter shall not associate with yours." The main difficulty with the bill was the vagueness of the word "threat"; there were judges in this Commonwealth who would construe almost anything coming from a Catholic priest as a threat; if the Catholic Church says that, in the opinion of the Church, in the domain of morals, a school is an unfit school, and a minister of that religion, in the exercise of his conscience, considers it his conscientious duty to say to those who seek his guidance and who ask his min-

istrations, "You cannot attend that school without danger to your faith or morals," that is a threat; and if he says to the person, "Under certain conditions you cannot be permitted the privileges of the Church, because you do not obey that Church," that is a threat; he had no doubt that Catholic ecclesiastics had criticized and condemned the public schools, but no more so than had the *Andover Review* of 1887; no more so than had some of the most eminent Protestant divines in the United States; he had never heard of the archbishop's ordering the priests to refuse the Sacraments to people who refuse to take their children from the public schools; it was right for the parent to send his child to the parochial school if such was the rule of the Church; that parent need not remain in the Catholic Church one hour if he does not desire to; it is either "obey or get out," just as it is everywhere.

Mr. Donnelly, in re-examination: "Do you know of any objection on the part of the Catholic Church to the public schools, *per se,* in any country?"

Mr. Gargan: "I never heard of any."

Mr. Donnelly: "Does not the Church teach to her members the doctrine of free will?"

Mr. Gargan: "Yes, sir."

Mr. Donnelly: "Does not the Church teach that every man is the arbiter of his destiny and not the Pope?"

Mr. Gargan: "Certainly."

Mr. Donnelly: "Is not the entire organization of the Catholic Church devoted simply to bringing man

to his Maker, rather than to interfering between man and his Maker, as the counsel suggests?"

Mr. Gargan: "Yes, sir."

Mr. Lund: "Now I understand the Catholic Church teaches there is no salvation outside of it?"

Mr. Gargan: "I have been always taught that no person baptized is outside of the Church. If a person has been baptized and has not neglected from sloth or other causes to inform himself of the truth, the Church does not say that person will not be saved."

Mr. McEttrick: "Do you think the existing State standard of education for children for employment over eight and under fourteen of being able to read at sight simple sentences, as 'The dog runs,' or by writing or scratching those words, is not a rather low one?"

Mr. Gargan: "I think so."

Mr. McEttrick: "Are you not aware that children in some manufacturing towns are allowed to pass into the factories without being able to read a line?"

Mr. Gargan: "I have heard so."

Mr. McEttrick: "Is not the present State standard of education in employment a dead letter?"

Mr. Gargan: "I think it is practically."

Edward Hamilton, a native of Taunton, a resident for many years of Boston, and a Congregationalist, was the next witness. He denied the right of any legislation to pass laws that would interfere with the rights guaranteed by our system of government; it was plain that the bill was aimed at the Catholic parochial schools.

While Mr. Hamilton was testifying, adjournment

was made to 10 A.M., Tuesday April 23, when, at the thirteenth hearing before the committee on education, he was the first witness. He reiterated his assertion that the animus of the present movement was hostility to the Catholic parochial schools. He quoted from Lord Chief Justice Clerke of Scotland as to the good work and beneficial influence of the parochial schools in Scotland. Continuing to quote at length from Robert Rantoul, Jr., and Hon. Charles Levi Woodbury relative to liberty of conscience and attacks on Catholics, there was an effort made to stop the witness on the plea that his testimony was irrelevant, but after some discussion he was allowed to proceed. He said there was not a college in the State that was not sectarian. For the past fifty years a majority of the overseers of Harvard University had been Unitarians; people of that faith sent their sons there, and it was generally recognized as the head and center of Unitarian ideas. Andover was also a sectarian school, and so was the college of the Holy Cross at Worcester and Boston College. Mr. Hamilton repelled with vigor the charge that the Catholics were disloyal. Who were Charles Carroll of Carrollton, Edward Lynch, Jr., and other signers of the Declaration of Independence but Irish Catholics? What would our fathers have done in the Revolution without the aid of Catholic France and such men as Lafayette, Rochambeau and De Grasse? The chairman said this was irrelevant, as no charge of disloyalty had been made against the Catholics. Witness retorted that he was glad of it, for then there was no need of the proposed legislation. A great many quo-

tations had been made from Catholic catechisms. What of it all? They were the doctrine in which the Catholics believed and had a right to believe, and it was merely their church discipline.

Here Mr. Bicknell interrupted with a motion to limit the time of the witness. Mr. Hamilton said he was sorry that his views were so evidently disagreeable to certain members of the committee. Mr. Bicknell withdrew his motion.

Witness then went on to oppose the section of the bill relative to the approval of text-books, and said he would quote from Daniel O'Connell. Chairman Campbell objected on the ground that the committee could not summon Mr. O'Connell for cross-examination. The witness closed with an earnest appeal to the committee to give the petitioners leave to withdraw.

Arthur A. Hill, editor of the *Haverhill Gazette,* said he appeared as a citizen of Haverhill to protest against any change in the present law, and to say that he did not think there was any well-defined public sentiment there in favor of such change. To Mr. Donnelly witness said that he was somewhat familiar with the French population of Haverhill, and so far as he knew they were in favor of parochial schools and also loyal to this country, with no desire to turn New England into a province of Quebec. Dr. Victor Mignault, of Lawrence, testified that the French population there, who numbered about 4,500, were in favor of parochial schools. His testimony and that of Theophile Vincent, of Lawrence, and Henry Bou-

langer, of Haverhill, was absolutely in line with that of the French Canadian remonstrants who had already appeared.

To Mr. Bartlett, Mr. Boulanger said: he had never stated in Haverhill that Father Boucher had told him he must send his child to a parochial school and that he must be taught the catechism in French, nor was such the fact; he had told Father Boucher that he intended to give his child a French education, and Father Boucher had then advised him to have his child taught the catechism in French.

The next witness called by Mr. Donnelly was the Rev. Joseph F. McDonough, of Taunton, Mass. Witness testified that he was born in Fall River, Mass., educated in the public schools of Fall River and at the Holy Cross College at Worcester, and in the Grand Seminary at Montreal; twelve years a priest; rector of the Church of the Sacred Heart, Taunton, in the diocese of Providence, R. I., of which Bishop Harkins has charge.

Mr. Donnelly: "What is the argument used in the Catholic Church in favor of establishing parochial schools?"

Father McDonough: "The Catholic believes he is bound to provide for the education of his children fully and completely in mind, soul and body. The reason for establishing special schools in this country is to educate the mind of the child religiously; in other words, that the child may receive a perfect education, to fit him for this life and not let him lose sight of eternity."

Mr. Donnelly: "Is there any objection made by the Catholic bishops and Catholic priesthood of this country, or of any other country, against the public schools *per se?*"

Father McDonough: "None whatever."

Mr. Donnelly: "Then, when objection is made to the public schools by Catholic bishops or priests, or any other spiritual authority in the Catholic Church, what is the ground of the objection ordinarily, outside of special cases of the immorality of a certain school?"

Father McDonough: "It is that the public schools, being attended as they are by children of all creeds, cannot give that religious education that the Catholic believes his child ought to receive."

Mr. Donnelly: "That is, the conditions will be incompatible?"

Father McDonough: "Yes. Perfectly so; and the Catholic feels obliged to provide some place where his children can receive the necessary instruction without offending the parents of children of other denominations."

Mr. Donnelly: "What is the common opinion among bishops and priests of the Catholic Church and the body of the Catholic Church in reference to the separation of the secular from the moral and religious training?"

Father McDonough: "It is the common opinion that the child is not treated fairly; that it is not receiving the full education to which it is entitled."

Mr. Donnelly: "Is it considered possible or reasonable that a thorough education in Christian morals can

be given unless that education be enforced by religious training?"

Father McDonough: "No, sir."

Mr. Donnelly here read the quotation cited by Mr. Lund in the eleventh hearing, from vol. III, pages 97 and 98, of Cardinal Manning's *'Sermons on Ecclesiastical Subjects,'* and asked witness to explain it. Witness read from the preface of the volume, showing that the sermon in question referred to the contest between the Pope and Victor Emanuel, after the latter had possession of the papal states. Asked to explain the passage fully to the committee:

Father McDonough: "It is a matter of history that ever since the time of Constantine the Roman pontiffs have exercised more or less temporal jurisdiction in Italy. At times it has been more extended and at times more restricted until 1870, when the French troops were withdrawn from Rome and the Holy Father was left to the mercy of Garibaldi, and the Italians set up the kingdom of United Italy."

Mr. Donnelly: "Up to that time had the Pope exercised two functions and was he the ruler of a small territory, including the city of Rome?"

Father McDonough: "Yes. He was besides that exercising the separate office of Head of the Church. The offices are entirely separate."

Mr. Donnelly: "He was deprived at that time of his temporal power by Garibaldi?"

Father McDonough: "Yes, and by those associated with him; the Pope could not lawfully relinquish his rights. The invaders wished the Pope to say that he

accepted the condition of things. The Pope said: 'I cannot; I must maintain my right.' "

Mr. Donnelly: "I believe that the main argument that has been used by those in favor of the temporal power is that it guarantees freedom to the Pope in the exercise of his spiritual functions?"

Father McDonough: "Yes."

Mr. Donnelly reads from Cardinal Manning: "I acknowledge no civil superior . . . I am the director of the consciences of men."

Father McDonough: "The Catholic Church, like every other church, claims to be the true church. To be consistent and logical, it is essential as Head of the Church that the Pope should occupy the attitude of director of the consciences of men."

Mr. Donnelly: "He does not pretend to direct those who do belong to his church?"

Father McDonough: "No, not against their will."

Mr. Donnelly: "Reference was made in the article read to divorce. What does the Catholic Church teach in regard to marriage and divorce?"

Father McDonough: "It teaches and has always taught and enforced that marriage is indissoluble."

Mr. Donnelly: "Any disloyalty in the Catholic Church teaching that?"

Father McDonough: "I do not see it."

Mr. Donnelly: "What is the domain or province of the Pope in matters where it is claimed that his decision as head of the Church is infallible; that is, that there is no appeal from it, just as in the United States there is no appeal from the Supreme Court? Under

what domain or within what limits has the Pope infallible authority? Does it extend beyond questions of faith and sound morals?"

Father McDonough: "No, sir. It does not extend beyond these limits."

Mr. Donnelly: "Has any priest or bishop the right to direct a man in the common concerns of life in those matters which do not pertain to morals and religion?"

Father McDonough: "Such direction would be impertinent."

Mr. Donnelly: "There have been priests who have interfered?"

Father McDonough: "Unfortunately there may be."

Mr. Donnelly: "The Church is not responsible for them?"

Father McDonough: "No more than for the lunatics in an asylum."

Mr. Donnelly: "The children under your charge all go to the public schools?"

Father McDonough: "Yes, the church is so burdened with debt that we are not able to provide a parochial school."

Mr. Donnelly: "You have not excommunicated any parent for sending his children to the public schools?"

Father McDonough: "A priest cannot excommunicate. That is reserved for the bishop."

Mr. Donnelly: "He will not exercise this prerogative until after due inquiry such, for example, as Dr. Miner would institute in his church?"

Father McDonough: "Certainly not."

Mr. Donnelly: "Is there anything you would like to add yourself?"

Father McDonough: "I want to say that I consider this bill as useless legislation. I can see no reason why it should be enacted. There are many private schools in the Commonwealth besides the Catholic. I should not be surprised if there were some attended by children whose parents do not believe in God at all. I know nothing bad of the public schools. Who comes here to ask for this legislation? Not Catholic parents. They are protected enough. It is unnecessary legislation and so, harmful. I know of no threats uttered by any Catholic authority."

Mr. Donnelly: "If any such thing be said, it is without authority?"

Father McDonough: "Yes. In the first place the word 'threat' is very indefinite. Nothing of the kind is attempted. It is put here in such a way that it is morally offensive, and is aimed especially at Catholics."

Mr. Bicknell: "What does a good Catholic desire as means of education other than that which the public schools now furnish?"

Father McDonough: "The Catholics have not made any demands at all. I know that Catholics are perfectly satisfied with the denominational system of national schools as it exists in Ireland and in the provinces of Quebec and Ontario, Canada. These countries have public schools with denominational teaching."

Mr. Bicknell: "To what extent?"

Father McDonough: "The catechism is taught every day."

Mr. Bicknell: "Does that instruction run through six years?"

Father McDonough: "Yes."

Mr. Bicknell: "Is anything further desired than instruction in the catechism?"

Father McDonough: "History is a matter of quarrel. We want Catholic children to learn the facts of history from the Catholic standpoint."

Mr. Bicknell: "Is there not a general fairness in your town in the matter of text-books that satisfies you, as a good Catholic?"

Father McDonough: "I have not examined the text-books."

Mr. Bicknell: "Have you any objections to the text-books in Taunton?"

Father McDonough: "No, sir. I have heard no complaints in regard to them."

Mr. Bicknell: "If I understand you, all you desire is to have the catechism taught?"

Father McDonough: "More than that; there is the general influence pervading a school. There is something in the very air of Oxford University, for example; and there is a special influence in the atmosphere of a school taught by a Sister of one of our teaching orders."

Mr. Bicknell: "Is there anything immoral in the public schools?"

Father McDonough: "I know of nothing immoral."

Mr. Bicknell: "Do not the teachers enforce morality?"

Father McDonough: "They are perfectly well behaved, and insist on the common principles of the Decalogue."

Mr. Bicknell: "Is there anything sectarian in the public schools?"

Father McDonough: "No."

Mr. Bicknell: "Have you seen anything sectarian?"

Father McDonough: "When I was a boy, and went to the public schools, I saw evidence of a sectarian spirit."

Mr. Bicknell: "That was an exceptional case."

Father McDonough: "Yes; still the tendency was that way. Catholic pupils were few in number then."

Mr. Bicknell: "Do you find it so to-day?"

Father McDonough: "I suppose there is more or less of that spirit still. Of course, localities differ."

Mr. Donnelly: "In reference to the religious sentiment in a school, whatever there would be, would come through the instrumentality of the teacher?"

Father McDonough: "Certainly."

At the opening of the fourteenth hearing at 10 A.M. Thursday, April 24, Mr. Bicknell reminded the committee that the hearings had begun on March 20, and that this was the fourteenth. He moved that the taking of testimony be ended to-day, the remonstrants to be given one hour and the petitioners to be given two hours in rebuttal. The motion was carried. Father McDonough, of Taunton, was recalled.

Mr. Donnelly: "What is understood, Father McDonough, by salvation within and without the Catholic Church? That question has been raised, and we would like to have your answer."

Father McDonough: "Mr. Chairman and gentlemen, the Catholic Church teaches that Almighty God

provides the means of salvation for every creature He has made. He does this by establishing His Church. The body of the Church, it is very plain, is made of the members who practise its faith. The Church teaches, besides, that there are others who belong to the soul of the Church; that if a man receive the Sacrament of baptism and practises a Christian life, avoiding sin, he may be saved. Further than this, there are a great many pagans and heathen who have never had an opportunity to hear Christianity preached. The Church allows us to believe that each of these has received sufficient grace to reach God. If they live up to the light given them, they may be admitted to God's presence. The Church is extremely liberal in this matter. It is wrong altogether to impute to the Catholic Church such doctrine as that within the hard walls of the Visible Church people may be saved and without it all, even those in good faith, must perish. It is a misrepresentation of our doctrine."

Mr. Lund: "Do you regard baptism administered outside of the Catholic Church to be true baptism?"

Father McDonough: "Certainly, if the proper form and matter be used, and with intention to baptize."

Mr. Lund: "Whether by an ordained minister or not?"

Father McDonough: "Yes, it makes no difference."

Mr. Lund: "Is that the teaching of your Church?"

Father McDonough: "Yes."

Mr. Lund: "You were asked if any objection had been made to the public schools, and I understood you to reply none whatever."

Father McDonough: "No objection made because they are public schools."

Mr. Lund: "Do you not know that bishops and priests have objected to public schools in America, calling them Godless, infidel and such?"

Father McDonough: "There may have been individuals who have done so; one of a thousand, possibly."

Here Mr. Lund held up a copy of Father Jenkins' *Judges of Faith* and asked Father McDonough as to its weight as an authority, its circulation, etc.

Father McDonough: "I do not know that any special authority is attached to it; it is his idea of things. I have never seen the book before."

Mr. Lund: "It has Cardinal Newman's imprint. It would hardly bear that unless authoritative?"

Father McDonough: "The Cardinal's name is here."

Mr. Lund: "I understood you to answer that the Pope is infallible in matters of faith and sound morals and that from his decision there is no appeal. Do you account the Syllabus as infallible?"

Father McDonough: "When the Pope speaks *ex cathedra* as head of the Church he simply defines a doctrine to have been revealed by Christ and to have been always believed by the Catholic Church."

Mr. Donnelly: "When you say *ex cathedra* do you mean officially?"

Father McDonough: "Yes."

Mr. Lund: "Was not the Syllabus spoken by him officially as the head of the Church?"

Father McDonough: "Yes; but it is a condemnation of errors, and not a definition of faith."

Mr. Lund: "When does the Pope speak *ex cathedra?*"

Father McDonough: "When the Pope as the head of the Church, declaring himself to be the head of the Church, defines a certain matter to be a dogma of faith."

Mr. Lund: "Is it not particularly enjoined on Catholic framers to make constitutions to conform to the teachings of the Church?"

Father McDonough: "I never heard of it. The Pope, so far as I know, keeps out of politics, and does not direct Catholics, except where there is a question of right or wrong."

Mr. Lund reads from an encyclical letter of November 1, 1885: " 'Every Catholic should adhere to the teachings of the Roman Catholic Church. We exhort all Catholics who devote attention to public affairs to take a part and to further the principles of the Church in all public service, meetings and gatherings. They must make themselves felt in political life. They must penetrate everywhere, if possible. All Catholics should do all in their power to cause constitutions of States and Legislatures to be modeled on the principles of the true Church.' Is that contained in the encyclical letter of November 1, 1885?"

Father McDonough: "It may be a garbled translation."

Mr. Lund: "Is not this letter infallible?"

Father McDonough: "It is an encyclical letter; not an *ex cathedra* definition."

Mr. Lund: "Does the pontiff claim control of the education of children in the public schools?"

Father McDonough: "No."

Mr. Lund: "Nor the right to interfere with the discipline of the public schools?"

Father McDonough: "Not at all."

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all Christians; that means when he is speaking from the chair officially?"

Father McDonough: "Yes. Exactly as the Chief Justice of the United States Supreme Court."

Mr. Donnelly: "Supposing Chief Justice Morton should give an opinion, that would not be a decision of the Supreme Court, but would be an official opinion?"

Father McDonough: "Certainly."

Mr. Donnelly: "To suppose another case: Supposing the Pope in conversation with a number of gentlemen or before a committee should say that pulling apples off a tree, carrying them away and appropriating them to yourself, was not larceny, but merely a trespass,—would the Pope be stating what is correct and true as a matter of faith or morals?"

Father McDonough: "No."

Mr. Donnelly: "Would any Catholic be bound by it?"

Father McDonough: "No; Catholics are supposed to be reasonable beings."

Mr. Donnelly: "When you spoke of the deposit of faith, what did you mean?"

Father McDonough: "That which has been revealed by Almighty God, and recorded in the Sacred Scriptures; also unwritten revelation, which we call tradition, and which has been transmitted from mouth to mouth from the time of Christ."

Mr. Donnelly: "In other words, from a time when printing did not exist?"

Father McDonough: "Yes; the first gospel, St.

Matthew, was not begun until eight years after the death of Christ, and the last book of the New Testament was not written until nearly a century after the birth of Christ."

Mr. Donnelly: "That is to say there were no reporters and the word of God had to be transmitted from mouth to mouth."

Father McDonough: "Evidently Christ intended that. He Himself wrote no book; and He told His apostles to *preach* and *teach*."

Mr. Donnelly: "So what is now the Bible was for a long time in the minds and mouths of the people, and had to be carried along in that way and transmitted, just as the bards of Scotland and Ireland told the histories of the people; and as Homer himself transmitted his poems?"

Father McDonough: "Yes."

Mr. Donnelly: "Then about this encyclical letter, and this long question put by Mr. Lund purporting to come from the encyclical letter; will you state if any such language is used by the Pope in any encyclical letter?"

Father McDonough: "I should say not; am satisfied that no such sentiments could have been uttered by him; and that the passage in question is not a fair translation from any document issued by him officially."

Mr. Donnelly: "Where it says for Catholics to be sure to penetrate into the domain of politics, the translation is entirely untrue?"

Father McDonough: "Oh, surely."

Mr. Donnelly: "Are the encyclical utterances infallible or believed to be so?"

Father McDonough: "They are given by the Pope in an official manner, not exactly as definition *de fide,* but as instructions to the people on matters of faith or morals."

Mr. Donnelly: "They are entitled to respect?"

Father McDonough: "By all means."

Mr. Lund: "How is it, Father McDonough, about the rulings of councils, as Ecumenical Councils?"

Father McDonough: "When the decisions of the Ecumenical Councils are approved by the Pope we receive them as infallible authority. An Ecumenical Council is an assembly of the bishops of the entire world."

Mr. Lund: "I suppose their doings are not published until approved?"

Father McDonough: "Not officially published."

Mr. Davis: "Does the head of the Church receive revelation directly from God?"

Father McDonough: "No, sir. Never. Since Christ's day there has been no revelation from God."

Mr. Davis: "Is there any revelation except that which is contained in the Sacred Scriptures?"

Father McDonough: "And tradition."

Mr. Davis: "Do you regard tradition as authority?"

Father McDonough: "Certainly."

Mr. Davis: "How do you determine its authenticity?"

Father McDonough: "By the decisions of the Church."

Mr. Lund: "That determines the traditions?"

Father McDonough: "Certainly. It determines that they have always been in the deposit of faith."

Mr. Donnelly: "Which are written now?"

Father McDonough: "Oh, yes."

Mr. Davis: "Let me inquire if the tradition is regarded as equally sacred with the Scriptures?"

Father McDonough: "Precisely the same."

Mr. Davis: "I would like to know if it would be safe or wise for the State to withhold all authority or withdraw all authority over the public schools or over the education of the young?"

Father McDonough: "I think the State, Mr. Davis, could do so very safely, provided it punished parents who neglected the training of their children. I think the State ought to do that. I would leave the matter to the parent with that proviso. The parent is interested in the child as much and more than the Legislature can be."

Mr. Davis: "Has the State a right to establish a standard of education for all young people?"

Father McDonough: "I do not see how the State can interfere with the right of the parent in that matter."

Mr. Davis: "Do you take exception to this statement: That it is the right and duty of the State to see that all persons who are to become citizens are properly educated?"

Father McDonough: "No, sir. I do not."

Mr. Davis: "How would it be determined without some sort of supervision or examination?"

Father McDonough: "As it is now when a person goes to be naturalized."

Mr. Lund: "I want to ask one question more. Is it not true that every word that comes from the Pope, speaking from the chair of St. Peter *ex cathedra,* is regarded as the voice of the Holy Ghost?"

Father McDonough: "When the Pope officially decides that a certain matter has been revealed by Christ and has always been believed from the time of Christ and his apostles, then we receive the dogma as God's word, and, of course, necessarily, as the word of the Holy Ghost."

Mr. Lund: "Then you would regard that as *new* revelation?"

Father McDonough: "Not at all."

Mr. Donnelly: "I suppose the Catholic Church founds this doctrine largely upon the text of the Sacred Scriptures, where Christ says: 'I am with you all days even to the consummation of time.' "

Father McDonough: "Largely."

Mr. Donnelly: "Then upon that other passage where Christ said: 'Thou art Peter, upon this rock will I found my Church, and the gates of hell shall not prevail against it.' "

Father McDonough: "There are many similar passages in the Scriptures. The evidence is cumulative."

After Father McDonough, of Taunton, Mass., had concluded his testimony, the Rev. Richard Neagle, a Catholic priest, of Boston, was called by Mr. Donnelly.

He testified: "I was born in Haverhill, Mass., studied in the public schools of that town; was a

schoolmate of Superintendent Bartlett; studied later at Holy Cross College, Worcester; made philosophical and theological studies at Troy, N. Y., now chancellor of the archdiocese of Boston, and for the past three years resident at the archbishop's house next to the cathedral."

Mr. Donnelly: "As the result of your observation and knowledge of the place, are there any cells under the cathedral for immurement?"

Father Neagle: "I saw a dead body immured there once."

Mr. Donnelly: "Are there any cells for confining persons?"

Father Neagle: "None."

Mr. Donnelly: "Would you allow Dr. Miner to go there?"

Father Neagle: "I would not. He was invited once, and he refused to go."

Questioned by Mr. Donnelly as to the report of his sermon in the *Boston Herald* of November 15, 1886, when preaching from the text: "Render to Cæsar the things that are Cæsar's; and to God the things that are God's," he was credited with this language . . . "If we shall have any conflict . . . then indeed as Catholics we need not hesitate to take up arms against the State."

Father Neagle: "Governor Long put the question in good faith; I am not going to suggest that he did anything unfair; I gathered from his manner that he did not think I was capable of using such language. That report appeared November 15, Monday morning; and on Tuesday the *Herald* published this letter from

me (reads letter). These words were never spoken by me and I must decline to be held responsible for them."

Further, Father Neagle said: "The sentiments are absurd. I hope those gentlemen who have for two years and a half quoted me as using this nonsense will be fair and do so no more."

To Mr. Donnelly witness expressed his concordance with the testimony of Father McDonough on the extract from Cardinal Manning, the question of salvation within and without the Church and papal infallibility. Then came reference to the alleged extract from the papal encyclical "On the Christian Constitution of States."

Mr. Donnelly: "Please to read this paper, put in the case by the other side, and purporting to be correct."

Father Neagle: "A report in the *New York Herald,* by Atlantic cable. Excuse me from commenting on that!"

Witness further expressed surprise that when a correct copy of the encyclical was easily accessible, a newspaper cutting should have been put in evidence. Asked by Mr. Donnelly to treat it seriously, for the information of the committee, he said that while some excellent principles were embodied in it, it is evidently not a correct translation of any part of the encyclical in question. Asked by Mr. Donnelly for a statement, Father Neagle said: "I presume that with the petitioners who have been here it has been a distrust of Catholic parochial schools which occasioned a presentation of this bill. Now we will be fair and tell them

what those parochial schools are for, and, if possible, dispel their distrust. When we want to know what the Catholic Church teaches we do not go to the individual priest or bishop even. We go to the authoritative statements of that organization. The most authoritative declaration on this question has been from the assembled bishops of the United States, who met four years ago last November in the Plenary Council at Baltimore. This question of education was one of the principal questions they discussed. The bishops enacted laws for the guidance of Catholics in the United States, and they also issued a pastoral letter or address to the people. This pastoral letter is not legislation; it is more in the nature of a sermon. It is simply pastoral instruction." Father Neagle read the paragraph relating to Christian education, which concludes as follows: "A one-sided education will develop a one-sided life; and such a life will surely topple over, and so will every social system that is built up of such lives. True civilization requires that not only the physical and intellectual, but also the moral and religious well-being of the people should be promoted, and at least with equal care."

"They go on to say that this education ought to be a Christian education and training wherein religious and moral instruction shall go hand in hand with secular training. Therefore, they tell the people that in their legislation passed in council they have ordered a parochial school to be erected as soon as possible in every Catholic parish throughout the land." Witness then read the substance of the decree; then continued:

Mr. Lund: "Does the pontiff claim control of the education of children in the public schools?"

Father McDonough: "No."

Mr. Lund: "Nor the right to interfere with the discipline of the public schools?"

Father McDonough: "Not at all."

Mr. Lund: "You say that religion and secular education should go hand in hand. How much time in the schools would you have devoted to the teaching of the catechism?"

Father McDonough: "It depends on the size of the school and on the aptitude of the children. Generally fifteen or twenty minutes would do."

Mr. Lund: "The catechism is not taught in connection with other studies?"

Father McDonough: "No."

Mr. Lund: "What is the difficulty in teaching the catechism outside of the twenty weeks by the parent or pastor? Is there not ample time outside of the twenty weeks?"

Father McDonough: "For some people there may be. Some people take very good care of their children. Others have not the time to give the needed instruction. In the manufacturing centers many of the parents work also. Besides that, you must understand there is an atmosphere pertaining to a school that gives it a distinct characteristic."

Mr. Lund: "Then you object to the atmosphere of the public schools?"

Father McDonough: "I do not object to it for those who want it."

Mr. Lund: "Now supposing the parent thought differently from you?"

Father McDonough: "I would force no parent's conscience."

Mr. Lund: "Now, in your opinion, if the Catholic Church or anybody else does not desire by threats to interfere with the conscience of the parent, how is the fourth section an interference?"

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Father McDonough: "The fourth section is morally offensive. Practically, it will not affect us; but we feel it as a reproach."

Mr. Lund: "You never felt it as a reproach to have a penalty against theft?"

Father McDonough: "No."

Mr. Lund: "Now, supposing you find our Universalist brethren trying to compel parents of the parish to put their children into a Universalist school, would it not be proper to have the parents safe-guarded?"

Father McDonough: "I think the parents would take care of themselves."

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present conditions of the public schools in those states except what he learned from school committee reports. He had never heard of Archbishop Williams of Boston, Bishop O'Reilly of Springfield, Mass., nor Bishop Harkins of Providence, R. I., denouncing the public schools.

Dr. Miner read from Barnum's *History of Romanism*. He made some ugly references to the children of "foreign-born" parents, in contrast with those of the native element, and said if there were homes that were not competent to give their children proper religious training and education, they were such homes as the "Romish" Church had made. Questioned by Mr. McEttrick as to whether he knew for certain that the boys who stoned his carriage were parochial school pupils, he replied that he had not inquired, but it was well known that in certain sections of South Boston there was a large number of young hoodlums. Whereupon Mr. McEttrick informed him that there are no parochial schools for boys in South Boston.

Dr. Miner: "I have understood that the Church was more desirous of obtaining girls."

Mr. McEttrick: "Was it a girl that stoned your carriage?"

Dr. Miner: "No, sir; it was a boy."

Dr. Miner was followed by Mr. Buckley, of Cambridge, who wasted half an hour in an incoherent personal attack on Father Scully, of Cambridgeport; and "Evangelist" Leyden, who indulged in a long tirade against Catholic faith in general. He made selections from the catechism and children's prayer book, and

proceeded to display a wafer, such as is used by the Catholic Church in the Sacrament of the Eucharist.

Here, to his honor be it said, Mr. Bicknell entered an emphatic protest, and Chairman Campbell brought the disgraceful scene to a close.

The Green Room was densely crowded on the morning of Thursday, April 25, for the closing arguments.

The committee was first addressed by Mr. Nathan Matthews, Jr., counsel for several Protestant private schools. The private schools, he said, existed because many parents held they were superior to the public schools. The public schools were the outgrowth of the private schools. His clients were friends of the public schools, but he held that they should supplement, and not supplant, the private schools. The private schools, too, were valuable as experimental educational stations, as Colonel Higginson had pointed out. He objected to the bill, then, on educational grounds alone.

Mr. Matthews dwelt on the history of religious proscription in New England under the Puritans, recalling the time when the Episcopalians had suffered as much from it as the Catholics. He spoke of the apparent dying out of religious animosities in the Commonwealth of Massachusetts, and then of their late regretable revival. The School Inspection Bill of last year had been thrown out of the Legislature. Its anti-Catholic spirit was too evident. We have seen, he said, the same spirit crop out in the last campaign in Boston, "the most disgraceful page in the municipal history of the city of Boston." Again, said Mr. Matthews,

the attempt which this bill makes to put the State above the parent and the family is rank socialism. I have been sorry to see high officials in this State favoring State socialism. The report of the State Board of Education last fall was nothing more nor less than one tirade in favor of State socialism. Mr. Matthews reviewed the legislation of Massachusetts on the school question to prove that it had not been the State's policy to place the child under the arbitrary control of local school boards, and continued: There is not a State or Territory in this country that interferes with private schools or the private education of the young. The Declaration of Independence is wholly opposed to any paternal government, and asserts the liberty of the individual. The system of inspection of private schools which is proposed is bad and thoroughly un-American, but the proposed methods of enforcing it are worse yet. It was well known by many, and they were not all Catholics, that while the public schools were not immoral they were essentially unmoral. There were many Protestant private schools, such as St. Paul's and others. In Cambridge, for example, there were thirty or forty Protestant private schools to three or four Catholic. You cannot enforce this law, said he, if you pass it. You cannot force me to take my child from a private school and put him or her into a public school. I would like to see the minion of the State that would attempt to do it. The few small people who are advocating this measure do not represent the Protestants of Massachusetts. I think they are about all here (laughter). The Protestants of Massachu-

setts repel the assertion that these people represent them. The animus of this measure has been plainly shown. From the first word uttered at these hearings to the last it has been hostility to the Catholic Church. If the Supreme Court shall hold that our present statute does not prevent the maintenance of uninspected private schools, then we ask you to let well enough alone and let the statute remain as it is. If it shall hold to the contrary then we ask you to repeal it.

CHAPTER X

The following is the consistent, temperate, and courteous argument of Mr. Donnelly on behalf of the remonstrants:

Mr. Chairman and gentlemen: I think we may all congratulate ourselves on the fact that this hearing is drawing to a close. I think, in justice to you and to the gentlemen of the committee that the counsel representing both sides must admit that your patience has been very severely tried, and that under all the circumstances you have borne the inflictions that have been imposed upon you by the counsel and by the audience with Christian fortitude and forbearance. I think it is well, too, to reflect on the fact that, throughout the whole of these proceedings, characterized at times by a good deal of heat and by a great deal of excitement, that the relations between the counsel themselves have been of the most agreeable and pleasant character.

And now in the discussion of this cause and what I may have to say in opposition to this bill I mean to say in the best and most catholic spirit possible,—that is, in the broadest sense of that word; and if I should do any injustice unintentionally to any person who has appeared here, in behalf of the petitioners, I trust that it will be looked upon as unintentional rather than intentional upon my part. I think perhaps in the con-

sideration of this whole question, Mr. Chairman, that it is a fair way—fair and logical—to look first at the motive behind this proposed measure. What is the motive of those who have been prominent and conspicuous in presenting it, and in advocating it? Of course when I say that, I do not mean the counsel, because it is the duty of counsel to represent either one side or the other in any cause, and to present it as clearly and as fairly as possible. And it might have been my fate to have been retained by Dr. Miner and Mr. Dunn in behalf of the petitioners rather than that Governor Long should be their counsel, and I have no doubt but that if the Catholic body thought they could secure the services of Governor Long and had thought of him at the time and felt that he was free from his other engagements, they might have called upon him to present their case instead of calling upon myself, and no doubt he could have done it much more ably than I can.

But the motive behind this movement is I think, the most important one for us to consider. If the motive could appear, the logic of that proposition once admitted is that the motive must be bad,—i.e., it is a fair and natural inference that if the motive is a malicious or malignant one, if it is one founded in extreme sectarianism and bigotry, then it is fair and reasonable to assume that the measure itself is bad and that the adoption of it would be unwise and inexpedient. People have instincts which very frequently are safer guides to action and to conclusion in regard to the conduct of men than any extent of reasoning or

argument would be, and have intuitions which are brought about by circumstances which may be overlooked, but which are the result of a deduction from unseen forces and causes,—things which are felt rather than things which can be considered tangible and susceptible of absolute proof. There is, unfortunately, existing in the world, a great deal of jealousy of races, a great deal of jealousy of locality, a great deal of jealousy of sect. We seem to be so made up—human kind. I do not think that Massachusetts has been without her share of that feeling. The founders of this Commonwealth unquestionably came here to flee from religious persecution, or what was called religious persecution—to flee from the bigotry of their opponents; and such is the peculiar condition of humanity that in a short time they, themselves, began to exhibit that intolerance which they complained of in others. That is a matter of history; and that leaven of bigotry which existed in the past has not entirely disappeared. It exists and prevails to-day. The only question is, to what extent—how far does it go, and how many in our Commonwealth and in our communities does it represent? My own belief is, and my sincere belief, as a Massachusetts man with an opportunity of feeling the pulse of the people, of ascertaining how the great heart of the Commonwealth beats, my own feeling is that the number of persons who are really bigoted in character in the different denominations is very limited indeed, but still, what they lack in numbers they do make up in noise; and one of the most extraordinary peculiarities of these people is that every

act they perform and everything they do they claim to be in the name and in the interest of the Christian religion; and yet they are so intolerant in spirit that it is utterly impossible for them to realize, it seems to me, what pure Christianity is. Certainly if they take Christ as their exemplar, they do not follow Him. And then there is a spirit of Pharisaism about these people unknown to themselves—a manifestation of it that is most extraordinary, and at times exceedingly amusing. They set themselves up as being the only person who should be respected as Christians in the Commonwealth and they alone; and unfortunately it is not limited to the uneducated few, but it extends to the pulpit itself.

Now so far as the motive is concerned for this proposed measure and the character of the persons who are the advocates of it, I think that we can select two persons who are in this room as typical advocates of this measure. When I say typical, I mean as representing the class. One of them is the Rev. Dr. A. A. Miner; the other is the Rev. J. B. Dunn. They have been the two most conspicuous men in this room in advocating the petition of the petitioners. They have sat by the counsel, they have constantly made suggestions and they have taken an active part as witnesses and as promoters of this measure. Now what are their antecedents, so far as toleration is concerned, towards their Catholic fellow citizens? There are no two pulpits in Boston whence the Catholic body has been so much misrepresented and so often attacked as from the pulpits of Dr. Miner and Dr. Dunn. I think that I do

not do either of the gentlemen the least injustice in saying that. There are clergymen throughout this Commonwealth who differ very widely from the Catholic body in their belief, but who, instead of devoting their time to attacks upon them, and upon their priesthood, which, of course, is insulting to the body—who devote their time to something besides controversy, to something besides attacking other churches, who encourage their people by devotional and by doctrinal sermons and addresses, by the examples of their lives—who live as Christians, at peace with all men.

Now I do not think that either of those gentlemen is in his heart malignant. But it does seem to me that there is a spirit of fanaticism existing there which is in keeping with the old and intolerant spirit of the past, as it has existed among alleged Christians in Protestant England, in Catholic Spain, in Protestant Massachusetts, in Catholic Italy. I do not mean to say that we have no Puritans in the Catholic Church. I know we have, and when I use the word "Puritan," I do not mean to use it in any offensive sense towards those descended from that class, but I mean it in the sense of persons who are bigots in mind and character. I know we have—I know there is no church without them and I know there are bigots in politics as well as in religion. And I say that they seem to be imbued with a spirit of fanaticism, and this movement originates in that spirit, and they are the especial sponsors of this measure. They have stood by it day by day long before the petitions appeared in the Legislature, and

they have nursed it sedulously all the way through up to the present time. I do not care about characterizing those behind them and those who are in this audience who look to them for example and for teaching in what is Christian and what is right; but I do simply say that they can be fairly characterized as the representatives and as typical of the class of people which seeks this legislation.,

Now if the motive in view in advocating this measure is bad, I said the measure itself must be bad. And that was and is a logical deduction, but there is something else that I think it is fair for me to characterize and speak of. The Catholic body and the Catholic priesthood are spoken of very frequently as Jesuits, and as being a crafty, intriguing, cunning set of people who are always—not by you, Governor, nor will it be—but it has been said—no, it has not been said here, but I say it is said by such persons who are here and represented here—as crafty and cunning and intriguing and treacherous, and working rather in the dark than in the daylight. Now I want to characterize the manner in which this measure has been introduced as the foulest piece of "Jesuitism" in the sense that they affix to that term, because there has been the utmost craft used in this whole measure from the beginning. It has been pretended that the interest of all those people who are promoting this bill is simply the innocent matter of the education of the people and the protection of those who are oppressed in the Catholic Church. How do they commence? They commence, not here in Boston by appearing prominently

as the advocates, but they get the people in Haverhill to use them on the principle that the monkey did the cat, to pull their chestnuts out of the fire. They start in the city of Haverhill because they have had a slight controversy, and 'twas only a slight controversy with the French pastor and the parochial schools, and they get them to come down here to advocate a bill forbidding them to teach their children in the French language, and after they get them started on that, they put rider on rider on the bill until they finally end by putting in the fourth section in relation to ecclesiastical threats. Now is there any other city or town in the Commonwealth appearing here and making any complaint to the Legislature of the existing law? Not one, not one! And the superintendent of schools of Haverhill is thrust forward here, and he seems to be simply an humble instrument in the hands of these men who are far more astute and cunning than he is, and nothing more, and he begins, poor fellow, by telling you, Mr. Chairman and gentlemen, that there is really a spirit and tendency here in Massachusetts and New England among the French people to make New England a new province of Quebec. And then, to maintain his assertion, he suggests that according to Charles Dudley Warner, who writes some very pleasant sketches, but who is rather inaccurate when it comes to statistics, that there are three quarters of a million of French Canadian people in New England. And then we look up the figures, and what do we find? We find that there are less than two hundred and fifty thousand in all the New England states. He suggests

the danger that we shall all become Frenchified. . . . The great trouble will be about acquiring as good a French accent as the superintendent of public schools of Haverhill has. (Laughter.) Then, when we come down to the merits of the controversy we find that the discussion itself between the pastor and the school committee was conducted in the most polite and agreeable way possible; that there was no hindrance or opposition on the part of the pastor or Sisters in charge to a thorough examination of the school. The examination seems to have been a superficial one. There was a good deal of feeling excited, but a disposition to be courteous on both sides, and a disposition on the part of the pastor and Sisters to yield to every reasonable demand of the committee. Then it was stated that the French people of Haverhill did not want parochial schools, but on the contrary that they wanted the children to go to the public schools. No one was brought down to support that statement except Mr. Desmond, and even he admitted that Section 4 of the bill was aimed at the priesthood, and he was opposed to it, and then he spoke of being in a dingy schoolroom when a boy, but it turned out that it was when he was between six and eight years of age. I will not say anything more of him but this: That as between representative Frenchmen and Mr. Bartlett on the one hand and Mr. Desmond on the other, it seems to me an intelligent self-respecting set of men as they appeared to be—well instructed in the principles of their religion, they certainly ought to know what the French people want. And then we

massed our testimony in from other parts of the State —it cost a great deal of trouble and the French people were aroused, and we found the universal sentiment to be the same, opposition to any State interference, and the sentiment among them was and is to leave our schools alone and leave our pastors alone. We have them from Worcester, from Lawrence, from Lowell, from Salem, from Marlboro, and from Holyoke and other towns so that it seems to me that we must have shown by superabundant evidence to you, Mr. Chairman, that the French people are not in favor of such legislation and do not desire it.

Now so far as the Irish Catholic body is concerned, they certainly do not favor it. There is not a soul of them coming here to advocate—not one; and as Dr. McGlynn said, "You had better look out," speaking to his audience, "you had better look out how you tamper with the Catholics in reference to their affairs, because blood is thicker than water." It meant that if an attack was made upon them, aimed exclusively at them, intended for them alone, that it would unite them to a man in opposition to it, no matter what differences of view they might have in minor matters; and that would be perfectly natural.

Now if the French do not ask for this legislation, if the Irish citizens do not ask for it; if the German Catholic citizens, or the Italian Catholic citizens do not ask for it; if the Portuguese Catholic citizens do not ask for it, then why should this measure be adopted? Why should there be any interference in their schools? At a very large sacrifice to themselves

they have chosen to erect those schools, to give the money to maintain them; they know what their religion is and what it teaches, and know they are at liberty to send their children to the common public schools at any time and cannot incur any penalty or censure if they do so. I have been very fortunate in the witnesses I have had to testify in behalf of the remonstrants and the gentlemen who have favored us with their statements in reference to the doctrine of the Catholic Church on the questions which have come up in controversy. One of them, the first witness, is himself a Massachusetts man, of Massachusetts parentage, and some suggestion was made in the course of the discussion and repeatedly made, and is made continually outside, that the Catholic body is disloyal. That gentleman himself, without my knowledge of his antecedents, was able to say that he had been in the war and had served his country and that he did not find anything inconsistent with his Church in doing it. The other two gentlemen, if not of New England parentage are of New England fame and former pupils of the public schools, and I think they are good types of a good class—intelligent, well educated, plain spoken, discriminating, clear headed and fearless in the expression of their views. And one of them having been asked something about the loyalty of the Catholic body was able to say that his own father rested in a soldier's grave. I would like to refer you, Mr. Chairman, to the statement of Judge Carter. Judge Carter has been compared long ago in many ways to Abraham Lincoln in the rugged character and quality

of his intellect and his straightforward, outspoken manner. He decided that case as he thought right and proper with the evidence before him and he said, "not only did the Legislature not mean what is stated on the evidence furnished, but it will be a long time before you get a Legislature in Massachusetts, in my judgment, to adopt any such measure."

I think the testimony of a man standing as high as he does in that community for rugged honesty and rugged intellect ought to count for something as against the two or three persons who have come here to propose a measure so destructive of the peace of the citizens of this Commonwealth as this is—a man with years and experience on his head to guide and influence and direct and to instruct others.

Of course it has been claimed here, but I do not think that in view of all that has been said on the subject it is necessary for me to discuss it—that the State is superior to the parent. That is a proposition which seems to be so unnatural and illogical that it does not appear tenable for a moment. I cannot see how any one can dwell in an intelligent community and come before an intelligent body to say that. That is the substance of it. The home is sacred, the family is sacred, the rights of the individual are sacred. The State never educates anybody; the parent does the educating and the taxpayer does the educating—not the State. The State provides the means for those who avail themselves of it and who are too poor to get it themselves, but the State is not the educator any more than it is the nurse of the child. The parents

have the whole responsibility, expense, trouble and anxiety of bringing them up, bringing them up for the benefit of the State, but the family, as the chairman stated—the family must be maintained.

Now there is that old hostility—Anglo-Saxon it may be called, and I have no objection to the term—existing against everything, that appears to be an invasion of the domestic circle. And we find it in many expressions that have passed into proverbs in our language, such as "Every man's house is his castle," and we find here among those who testified last year on this subject the testimony of the president of Harvard University; and I do not think that he said anything last year that he would not say this year if he were called upon to speak; and we have the testimony of General Walker of the Institute of Technology, when he said last year regarding a measure which was not as objectionable as that of this year—"I believe it desirable that the measure should come from the people." No matter how wise the measure, I believe it should come from the constituents and from the subject of discussion in the school districts. It never has. This thing has never come from the people; it has never gone to the people. The testimony of President Eliot is: "It is for the interest of the entire community that the existing prejudice between the Catholic and Protestant population in this State, which has widened greatly in ten years, should be closed or healed and not widened by legislation. It seems to me that this proposed legislation tends to widen those differences

and is therefore inimical to the interest of the entire community."

Now we have had none of the educators, none of the thinkers, none of the representative men of the Commonwealth, with the exception of two or three who appear here at this table, who have advocated this measure. It does seem to me, Mr. Chairman, that it is not favored by the body of the people of the State. I made some reference to the large and increasing number of the Catholic population in this State, in my opening address. I have nothing further to say about it, because I do not think it is necessary to add anything except this: That where there is such a wide difference of opinion between the Catholic body on the one hand, and united with them a very large number of persons of other denominations, and the so-called Protestants on the other side, or members of different churches, that even if it were more generally approved of—this measure by the Protestant portion of the people of the State, and I say that it is not, and I do not believe it is—that it would not be a wise thing to adopt it—that is, the end to be attained would not be of such a character—the end aimed at would not be of such a character as to justfy such experimental legislation. The peace of the community is of greater importance than anything else that we know of. Order is Heaven's first law. The peace and the well-being and the mutual good feeling that have existed heretofore in Massachusetts should be as far as possible by a wise legislature, maintained.

Now is it in the interest of sound education? Is it

really intended or designed to be in the interest of sound education? The statistics I referred to in reference to the education of the people of the Commonwealth show that the number of children engaged in textile manufactures is comparatively small—something under three thousand, about one per cent. of the whole population—and they are principally engaged in that. The labor statistics of Mr. Wright, and I think the reports of the State police would make it appear less than that rather than more. There is, therefore, no considerable class of children, or no class of children of the Commonwealth who are neglected in point of education. The State does not, as the law stands today, enforce any education whatever upon its children; because it recognizes the utter inexpediency and impossibility of it. The State government affords to every child the opportunity of an education, but whether he shall be educated or shall not be educated must depend upon his parent and those having the immediate supervision of him.

I do not know, Mr. Chairman, that I have anything further to say that would justify me in detaining you longer beyond this: That as a citizen of Massachusetts having its interest at heart, I personally am of the opinion that this measure should be defeated. I have no religious or sectarian prejudices that I am aware of. My education was largely among Protestants, and I think I have learned to know them and respect them, and I know that the intolerant spirit which existed in former years between the different denominations has ceased with the mass of the community. Probably

nothing accomplished more to bind the people together, in the north especially, than the war. I think we recognize that we have common interests and common ends and common purposes and that what is for the good of a portion of the community must be for the good of the whole, and what is to the injury or detriment of any portion of the community must be of detriment and injury to the whole, just as one portion of the human body if affected by disease, no matter how slight it is, the other part of the body and every portion of it, must be affected also. Now there is a diseased condition here existing in the minds of a certain portion of the people, but it is purely imaginary; it does not exist as a matter of fact. It is thought that the foreign portion, the foreign-born population of this Commonwealth and their children are being neglected by their parents, and that with the aid of the superior intelligence and enterprise and feeling of the citizens who are native and to the manor born, these people can be raised to a higher position. That may be thought by some. I think that if you take the witnesses who appeared before us, even the French witnesses who are new to our country, its ways and methods, they will compare favorably with any portion of the average native population. I think, on the other hand, if you take as the representatives of the educated portion of the Catholics or Irish population, that Father Neagle and Father McDonough will compare favorably in knowledge of their duty and calling as citizens with the reverend gentlemen who appear on the other side.

I think, Mr. Chairman and gentlemen, that it is wonderful to observe the progress which the foreign-born element and their children have made in this Commonwealth and throughout this country when we consider the unfortunate condition in which, owing to misrule, misgovernment, penal laws, persecution of all kinds, which for centuries they have been subjected to, and to the condition to which they were reduced when they were forced to flee into exile. Whatever debt of gratitude they owe to this country they have amply repaid in war and in peace. There is not a town or city in this Commonwealth that does not owe its prosperity, its success and its wealth and its means of education, to the foreign-born population. The monuments of their industry are scattered all about us in every town and hamlet in New England. They have built also for themselves their convents, their churches and their schools, their charitable institutions, their homes for aged men and women, their homes for the fallen, their homes for the destitute—and if this is not evidence of a high degree of civilization and of education, and of the best kind of Christian culture, then I fail to know what is.

Mr. Donnelly was greeted with enthusiastic applause by his hearers at the conclusion of this speech.

Hon. John D. Long then began his argument for the petitioners. He disclaimed at the outset all responsibility for Messrs. Buckley and Leyden, but warmly praised the Revs. J. B. Dunn and Dr. Miner. Dismissing for what they are worth his compliments to the patriotism and the material and intellectual

advance of the Irish element in Massachusetts, and his repudiation of any hostility to the Catholics, which was followed by a fierce attack on the Church, we will simply set side by side the two representative passages of Mr. Long's speech.

Referring to Father Neagle's testimony he said: "From the utterances of the Baltimore Council it logically follows, as surely as the night follows the day, that in the matter of education, Catholics regard the Pope as the supreme authority. The utterances of the Baltimore Council mean that the public schools of this Commonwealth, so far as the Catholics are concerned, must go. It means just that; that is the question we are facing. Let us drop all little religious bickerings and face the real issue. The real question is, whether you will stand by the Constitution, which says that there shall be no sectarian schools, or whether you will stand by this new idea which says that there shall be, and that the Commonwealth, through its Legislatures, shall not interfere with them. I assert that the question of the abolition of parochial schools has been raised not by the petitioners, but by the remonstrants. This bill does not close nor oppose a single parochial school; on the contrary, it opens the whole of them. There isn't a suggestion in this bill that attacks a parochial or a private school—not one. On the contrary, this bill opens the way by which every parochial school and every private school in this Commonwealth can not only maintain itself by teaching the branches which are required in other schools, but may even have the approval of the Commonwealth, and if it pleases,

secure a part of the money paid for the education of children. This bill does not compel a parochial or private school to submit to any inspection, but if it wants the approval of the school committee, and wants to be in line with American citizenship, it must open its doors to at least the eyes of the school authorities."

After the applause from the anti-Catholic crowd in attendance had subsided Mr. Donnelly rose and squarely charged ex-Governor Long with his bitter attack on the Catholic Church, calling on him to repudiate it, or take the responsibility. Mr. Long made no answer.

Chairman Campbell ruled the hearing closed; and the people dispersed in great excitement.

In the face of the fact developed during the hearing that the Catholics numbered about two fifths of the total population of the Commonwealth, and in many cities and towns are in the majority, Massachusetts legislators, whatever their political affiliations or religious sympathies, began to shrink from open identification with the anti-Catholic school bill. While the hearings were still in progress, the House, to avoid the burden of a decision, appealed to the Supreme Court of Massachusetts for an interpretation of the statute relating to private schools. The Court refused an opinion.

A few weeks later, Representative T. W. Bicknell, for the majority of the committee on education, reported to the Legislature a bill which, though divested of the prominent anti-Catholic features of the Gracey Bill, was still so bigoted and inquisitorial as to be objectionable to all fair-minded people. Representa-

tives McEttrick and Keane, of the same committee, put in a minority report setting forth the needlessness of any additional legislation. Various substitute bills were offered and debated, but that which finally passed both branches of the Legislature, with slight amendments by Repersentative Dubuque and Davis, was the bill of Representative Wardwell (Republican) of Haverhill. This bill did not change, but merely defined, the existing school laws; clearing Section 1 (the compulsory education statute) of the obsolete "poverty" and "half-time school" clauses, and explaining in what "the means of education" consist.

CHAPTER XI

The controversy as detailed in the preceding chapters had excited unusual interest throughout the country, and by the time the hearings before the legislative committee were concluded the general public had begun to ask for a definite statement of the position of the Catholics in the matter.

At that period, and before the passage of Mr. Wardwell's bill, Mr. Donnelly was asked by the *Sunday Press* to write for publication a statement which would make clearly apparent the question from the standpoint of the Catholics. This article was published May 25, 1889. The reasons for opposing the private school bill were given by him in a scholarly and comprehensive manner, and as a résumé of the whole subject it is appropriate that his words should be here quoted in full:

As counsel for the remonstrants to the proposed legislation against private schools in Massachusetts, I furnish a summary of the reasons for opposition to the bill of the petitioners:

The discussion introduced in the Legislature of Massachusetts this year on the question of State interference in the private schools of the Commonwealth, like the same question last year, originated with a few sectaries, who believe, as Bishop Warburton wittily said, that orthodoxy is their doxy, and heterodoxy is

another man's doxy, and with the small-fry politicians, who see in it an opportunity to benefit themselves in the excitement in the minor communities of the State attending an attack aimed at the Catholics.

In considering the subject it will be well to understand that Massachusetts makes it compulsory on every city and town to afford the means of education to every child between the ages of eight and fourteen within its municipal limits.

The same law provides that parents and guardians shall see that their children, when physically and mentally in condition to receive an education, shall be afforded one either at some public school or private school approved by the local committee, or be otherwise furnished with the means of an education—for example, by private, or home tuition. A parent neglecting to provide an education for his child is subject to prosecution and to a fine.

Having summarized the law in reference to the tuition of children, the next subject to consider is the provision of law precluding manufacturers and other employers from taking a child between eight and fourteen into employment, unless he has for twenty weeks of the school year attended a public school, or a private one, approved by the municipal school committee, or unless he has been otherwise provided, that is, by home or private tuition, with the means of an education for the twenty weeks mentioned.

The State, in looking to the education of children in Massachusetts up to the present time, has gone so far and no farther, and is not likely to proceed farther,

having a wholesome respect for the natural rights of parents over their children and a salutary dread of assuming the paternal policy in the government of her citizens; for under our New England ideas of government, at least, every man is left to work out his own destiny and to acquire early in life the spirit of self-reliance, instead of looking to the State for direction, any more than he would for his religious instruction, his employment or maintenance.

Massachusetts recognizes that she cannot compel her children to educate themselves; she can only afford them by wise legislation the means of an education, and that she does. To prevent greedy or short-sighted parents or guardians from excluding their children from the educational advantages provided, and from sending them to work for others and for gain at too early an age, she requires that no employer shall take into his employment any child between the ages of eight and fourteen who has not had, at least for two fifths of the school year, the means of an education properly afforded him, either at his own home or in some school.

The State's oversight of educational advantages for the child ceases at that point, simply superadding the requirement that every employer receiving a child from eight to fourteen into employment must see to it that the child's parent or guardian provides a certificate from the municipal school committee vouching that the child has been afforded the required means of an education within the school year previous, and is able to

read and write simple sentences in the English language.

So a dull or incompetent child may attend a public or private school for all the years between eight and fourteen, and yet when he arrives at that age, when he will cease to be under statutory oversight, he may not even be able to read and write simple sentences in the English language, and will not be required by law to do so at any time unless he applies to be admitted to employment between the ages prescribed.

So Massachusetts compels cities and towns to provide for children the means of education, punishes parents and guardians who neglect the educational training of children under their charge, and prevents children between the ages of eight and fourteen who are so neglected from entering employment.

Among the statutory requirements in the educational training of children is that they shall be taught in the English language. The Canadian-French element, which has emigrated to the manufacturing centers and towns of the State, now numbers about 140,000, and they are very tenacious on three points: their language, customs and religion.

They insist upon their children learning French, and making some of their studies and their religious catechetical studies, especially, in French. The public common schools do not provide for these requirements, and the result is that the French establish parochial schools, and send their children, especially the younger ones, largely to them.

At Haverhill, a town of 22,000 inhabitants, where

there are about 3,000 of the French people, a controversy arose between the French parochial school people and the local school committee early last winter and continuing through the winter and to the present time, owing mainly to the weak elements of which the committee is constituted and to leaving the whole subject largely in the hands of their superintendent, a young man of little or no experience in public affairs and not of the cast of mind which would fit him for the administration of the duties of an office requiring strength of character, with the faculty of conciliating, where there are contending and conflicting elements to harmonize and consolidate for the general welfare.

The French Catholic and other Catholic parochial schools so far established in the State are under teachers who belong to the various teaching religious sisterhoods, and who are prepared for the work of instruction in schools and convents, and devote their lives to that object.

In February last a complaint was made in the police court of Haverhill against a French parent who had his child, a little girl of tender years, in attendance at the French parochial school, on the alleged ground that he had failed to send her to school, that is, to a public school or private school approved by the municipal school committee.

Judge Carter, before whom the case was tried, held, properly, that, as the evidence disclosed, the parent had furnished his child with the means of education by sending her to the French parochial school, where, it appeared, all the common branches were taught,

the parent had been guilty of no violation of law.

The Catholic attitude on the school question in Massachusetts has been so far a defensive one. Catholics in Prussia, France, England, Ireland, Canada and the United States have, for half a century at least, claimed that the public schools should afford a religious training; that in the school education of a child secular and religious training should go hand in hand.

So Archbishop Hughes advocated over forty years ago in New York; so Archbishop Murray held at the same time in Dublin; so Archbishop Lynch and Bishop Sweeney held and maintained in Canada, and so it was conceded by the government in Prussia, in Ireland and in some of the provinces of Canada.

Many Protestant divines have advocated the same views in the United States and elsewhere. Dr. Bushnell strongly pressed it in the *New Englander Magazine* in New Haven as early as 1850. Many private parochial schools exist throughout the country under the auspices of the Episcopalians and other denominations who do not often favor ideas in common with Catholics on public questions.

At the New England annual conference of the Methodist Episcopal Church, held at Milford, Mass., in 1888, in a report concerning education, the conference took the highest ground against a purely secular education, and quoted approvingly from Washington's farewell address, from Webster's argument in the Girard will case, Victor Cousin, De Tocqueville, Locke, Herbert Spencer and Huxley, sentiments in favor of blending religious with secular education.

They cited the language of Webster, in which he says: "In what age, by what sect, when, where, by whom has religious truth been excluded from the education of youth? Nowhere, never. Everywhere and at all times it has been regarded as essential."

Huxley is cited as saying: "I have always been strongly in favor of secular education in the sense of education without theology, but I must confess I have been no less seriously perplexed to know by what practical measures the religious feeling, which is the essential basis of conduct, is to be kept up in the present utterly chaotic state of opinion on these matters without the use of the Bible."

I have spoken of the idea of combining religious with secular education as a Catholic one, but this is not strictly true, for it is an idea prevailing among men of different creeds and cherished even in pagan times among the learned in the more elevated forms of paganism, the principal argument being that it is almost impossible to impress morality and moral teachings on the youth of a country except through the instrumentality of Christianity and through Christian teachers.

The parochial school system is not new to this State.

It flourished in Massachusetts in colonial and provincial times, when the Puritan church controlled in religious and secular affairs, and even down to a late date, under our present form of government, the minister practically directed in educational as well as in ecclesiastical affairs.

It is well to refer historically to the provisions made

early in Massachusetts by her colonists for common school education, while we remember that the present generation deserve no more credit for what their ancestors did than the present Duke of Marlborough deserves for the victory achieved by the founder of his house at Malplaquet.

The existing methods of school training are in favorable contrast with the makeshift policy of conducting the common schools throughout the State a half century ago.

Horace Mann was the innovator and reformer. More than forty years ago he gathered the fruits of his observation and study in Europe and molded our school system, giving it symmetry, uniformity and simplicity of character, besides directing public attention to incompetent teachers, the ill-lighted, ill-ventilated, poorly-heated and wretched structures used in the greater part of the State as schoolhouses in those days.

Fifty-one years ago the State Board of Education was established. At the end of its first fiscal year, with Edward Everett as its chairman, such men as Jared Sparks and Robert Rantoul as members, and Horace Mann as its secretary, the Board began to puzzle themselves over the problem which had been puzzling the brains of advocates of undenominational public schools long before that time, and has been ever since—that is, what good substitute the State can find for that religious teaching which is essential to the well-being of every child, and which is under our system banished from the public schools.

Horace Mann, in his first official report as secretary of the board, voicing their sentiments, says: "In regard to moral instruction the condition of our public schools presents a singular and, to some extent at least, an alarming phenomenon. To prevent the school from being converted into an engine of religious proselytism, to debar successive teachers in the same school successively inculcating hostile religious creeds, until the children, in their simplemindedness, should be alienated not only from creeds but from religion itself, the statute of 1826 specially provided that no school books should be used in any of the public schools calculated to favor any particular religious sect or tenet.

Independently, therefore, of the immeasurable importance of moral teaching in itself considered, this entire exclusion of religious teaching, though justifiable under the circumstances, enhances and magnifies a thousand fold the indispensableness of moral instruction and training. Entirely to discard the inculcation of the great doctrines of morality and of natural theology has a vehement tendency to drive mankind into opposite extremes, to make them devotees on one side, or profligates on the other, each about equally regardless of human welfare."

Just what Mr. Mann meant by "natural theology" we can fairly guess, but I am afraid not define very accurately. Seeing that religious training was excluded from the schools, his logical mind was left groping blindly about for some scheme that might be resorted to which would bring about as good results as

could be accomplished through ecclesiastical or religious systems.

Using the language of the Scripture in referring to the barrenness of school training in morality and the importance of it, he said: "Instead of the thorn shall come up the fig tree, and instead of the briar shall come up the myrtle tree."

Again referring to the sad lack of proper moral training in the schools, he said: "Is it a matter of surprise that we see lads and young men springing up in the midst of us who start at the mispronunciation of a word as though they were personally injured, but can bear volleys of profanity unmoved; who put on arrogant airs of superior breeding, or sneer with contempt at a case of false spelling or grammar, but can witness spectacles of drunkenness in the streets with composure? Such elevation of the subordinate, such casting down of the supreme in the education of children, is incompatible with all that is worthy to be called the prosperity of their manhood."

Again, he remarks: "It is said by a late writer on the present condition of France to have been ascertained after an examination of great extent and minuteness that most crimes are perpetrated in those provinces where most of the inhabitants can read and write. Nor is this a mere general fact, but the ratio is preserved with mathematical exactness, the proportion of those who can read and write directly representing the proportion of criminals, and conversely. Their morals have been neglected, and the cultivated intellect presents to the uncultivated feelings not only

a larger circle of temptations but better estimates for their gratification."

While Horace Mann lamented the alleged necessity of the State pursuing the policy of non-religious education in the public schools of Massachusetts, and while in the absence of it he deplored the evil result of not being able to secure a sound moral training for the children of the schools, he saw no clear road out of the difficulty, but besought that a book of moral instruction, adapted to the use of the schools, should be found or written and adopted by the municipal committees who had the future well-being of the children at heart.

And there is probably not a thoughtful man or woman in the State to-day, professing any form of Christian belief, who would not associate secular and religious as well as moral training with the school education of each child, if by common consent it could be accomplished with the approval of all sects.

The most bitter sectaries, the most intense opponents of the Catholic Church will assert that religious and secular education should go hand in hand, but they distinguish and qualify the proposition by saying that it is not practicable in our public schools; that above all things our schools must be kept free from sectarianism, else the Hebrew, the Catholic, Protestant, etc., will each claim his form of belief should be taught.

Dr. Miner, an old Universalist clergyman of Boston, admitted when questioned at the legislative hearing a few weeks ago that he had in the past publicly favored the establishing of denominational schools among

the Universalists, and that he still favored the policy of so doing; but they should be schools for those who had graduated from the public schools and had mingled with the children there first, and so subjected themselves to the process of assimilation, which makes every boy, as a prerequisite to citizenship, feel that he is no better than his fellows.

It will be seen that Dr. Miner's position has this weak feature in it; that only the children of the rich could afford to avail themselves of such a post-graduate course as he contemplates, and if the children of the poor cannot afford to go to the denominational schools of Dr. Miner they must eke out their moral and religious support from inferior and less privileged sources.

I have seen it cited somewhere lately, from the United States census reports of 1880, that out of the native born white population of 1,320,897 there were 2,070 adult native white convicts, being one to every 638 inhabitants, in place of one to every 1,267, as in 1850.

The thoughtful citizen will ask: Is this the result of a better enforcement of the criminal law? or is it owing to the creation of more statutory crimes? or to degenerating influences from the influx of objectionable immigrants and their progeny? or from neglect or defects in the school training or home training of our children?

The cause should be sought out and the evil remedied. Massachusetts, owing to the diversity of her population, her many large manufacturing centers, in

towns and cities; the necessary migratory and shifting character of many of her inhabitants, owing to their tendencies to change employment and employers, and the facility with which they can get work within her territory, as well as the comparatively small area given to farming, and the limited number of agriculturists, must necessarily, in any census report, show a larger percentage of defectives of all classes than the States given more to agriculture and less to commercial pursuits.

Home life in farming districts and home ties and influences have a charm about them that city and town life never afford, and a well-ordered home is the best nursery of virtue and religion; but where such homes are wanting, where children are not instructed in the precepts of morality, religion or patriotism at the fireside and the mother's knee, then the Church, whether Jewish, Catholic or Protestant, should intervene; but can the Church, in the little time given to children in the Sunday schools, once a week, or in the time after school hours, when children are wearied by the confinement of the day?

I have before said that the Catholics of Massachusetts have so far been on the defensive in the school controversy. They cannot be said to have taken any forward or aggressive movement whatever. Yet they are charged boldly with having attacked the public schools.

So Æsop tells us the ire of the placid wolf was excited when he approached the stream, under pretense of drinking, and attacked the offending lamb, who

was drinking the water lower down, on the ground that the lamb had disturbed the water there and so made it undrinkable to the otherwise peaceable wolf, who was higher up the stream.

It may be that a few hot-headed, self-opinionated clergymen in the Catholic body have, in their flights of pulpit rhetoric, used extreme and denunciatory language regarding the public schools, because of the purely secular training given in them, and may have called the schools "godless," etc., but such language is not approved by right-thinking or sensible persons in the Catholic body, and certainly is not approved of by leading Catholic churchmen or laymen.

On the contrary, it is disapproved and condemned. Catholics are not taught they commit a sin by sending their children to the public schools, or that they come under the censure of the Church. The public schools are not held to be objectionable because they are public schools, and because the State supervises them, but they are considered defective in not furnishing more than a secular education to children at that period in their lives when religion and morality must be impressed upon them, if ever it can be, and when the mind is in the most plastic and susceptible state to receive what is more important to the child's welfare and to the Commonwealth, to fit the child for citizenship, than all the learning in the world.

The Christian view of education is that man is to be fitted for the eternal rather than the temporal, for "What doth it profit a man to gain the whole world and lose his own soul?"

There is a common impression among the fanatics and other queer people of Massachusetts and, perhaps, other ill-informed people, that the Pope of Rome exercises the greatest vigilance over the affairs of the State, even in municipal matters, and dictates the nominations for all the offices, from that of Governor down to the minor officers of the town, and among the same people there is a belief that he has given especial instructions to destroy the common school system of the State.

It is probable that the Pope has as little information of the geography, political divisions and statistics of our Commonwealth as the average educated American gentleman has of the geography and religions, social and political affairs of Italy, and that, I assume, without disparagement, may be said to be very little indeed.

The Pope has always been a bugaboo to the ignorant, under the different names they have given him, whether abstracted from the Apocalypse or borrowed from our vernacular.

Catholics are taught to respect the head of their Church and the office he holds as Protestants respect the dignitaries of their churches. Catholics know that the Pope is not the Church, but that the body of its adherents compose it.

They know that in matters of faith and morals simply they are bound to obey the teachings of the Church, and that in their conduct they are left to their own free will, and are responsible solely to God for any disobedience to the divine law.

They know that the Church cannot maintain that

an act harmless in itself is a sin; that the Church cannot make that a sin which is not so in essence.

They know that the Church directs man to God; that that is the function of the Church, but that man is answerable to God alone for all his acts.

Every well-informed Catholic, and there are a few such in the world outside of the United States, as well as within it, just as there are ill-informed and well-informed Protestants, knows that his duty to his Church is distinct from his duty to his Government "Render unto Cæsar the things which are Cæsar's, and to God the things which are God's" is a text of no doubtful meaning to him.

It is true that the pastoral letter of the archbishops and bishops assembled in the Third Plenary Council of Baltimore in 1884 exhorted Catholics to establish parochial schools as early as practicable in their several parishes. This was an American council of American prelates, not of foreigners, and the reason for so exhorting the people is the old one: the deficiency of religious and moral instruction for the youth of the country in the public schools.

But it is not claimed by any Catholic authority that the public schools *per se* are wrong, only that the present system is a defective one for attaining the best results.

Catholic authority regarding the obligation of parents and guardians in the school training of their children is that children shall not be sent to a school in which their religion or morals will be in danger. The obvious duty of every Protestant parent, as well as

Catholic parent, is stated in this proposition. It sounds like the merest platitude to assert it, yet it seems necessary to, for the information of many with confused notions regarding what Catholics are taught concerning the sending of their children to the public schools.

The anti-Catholic movement in the Legislature of Massachusetts has its origin, as I have before said, among the petty sectarians of the State, among those who are known for their narrowness of creed and fanaticism for years.

Not a single man of any prominence and recognized standing among the educated, thoughtful or cultured classes of the people came forward at the legislative hearing to advocate or indorse the proposed measure; its advocacy was confined to a fanatical and noisy set, who could not observe during the sessions of the hearing ordinary decorum.

There is, perhaps, also a leaven of old social differences, of jealousy on the part of a diminished and diminishing number of that class of natives in Massachusetts, who, like the Chinese, are opposed to all foreigners, but the body of the native-born people of this State no longer entertain the old opposition to the foreign-born population.

They are welded, native and foreign, together, firmly and irrevocably, and it will be impossible, in my judgment, to raise the old issue of Know-Nothingism successfully again.

The objectionable features of the proposed measure are mainly: 1. That it discriminates against private schools. 2. That it provides that the text-books used

in private schools must be approved by the municipal school committee. 3. That the same committee must be satisfied that the teaching in the private school is equal to the teaching in the public school of the same locality. 4. That ecclesiastics and all others who influence or attempt to influence parents or guardians of children, between the ages of eight and fourteen, from sending their children to a public school or private school, approved of by the local committee, by any "threats" of social, moral, political, religious, ecclesiastical disability, or any punishment or by any other "threats" shall forfeit a sum not exceeding $1,000 and not less than $300 for each offense.

The animus of the entire bill can be seen in the last recited head, where the aim is to prevent any priest or minister from objecting to any public school, whether it be well or ill-conducted, moral or immoral, in the character of its teachers and attendants, good or bad in its methods, administration or even sanitary condition.

The underlying objection to the whole measure is that such legislation strikes at the root of the natural rights of the parent, to whom God entrusts his offspring and their nurture, training and education for this world and the world to come.

The parent has the burden of the maintenance of the child, and not the State, which neither feeds, clothes nor shelters him, and as long as the parent does not fail in his natural obligations to his child he alone should have the right to decide where and from whom he shall receive his secular and moral training.

It is for him to say to whom he shall delegate his God-given authority, not the State.

Last year President Eliot, of Harvard University, appeared in remonstrance before the Legislative Committee against an anti-Catholic bill of a character not so subversive of the right of the citizen as the present one, and I am satisfied he is unqualifiedly opposed to the pending bill.

The pretense that the motive actuating the measure is in the interest of sound education is the merest nonsense and hypocrisy, and no honest man credits it.

I think the movement will be defeated, sharing the same fate as the measure proposed last year. There is every reason why it should, and there are political reasons among others. The Democrats of the State are anxious that the Republicans should commit themselves to the advocacy of the bill, but the Republicans are wary, and their party managers view the bill with suspicion and distrust, and, I think I may add also, disgust at having to touch it directly or indirectly.

CHARLES F. DONNELLY.

Boston, May 20.

This published statement attracted as widespread attention as had Mr. Donnelly's management of the case for the remonstrants, and he received universal commendation from the press in every section of the United States. The *Michigan Catholic,* commenting upon his closing argument before the Legislative Committee said: "He deserves well to be entitled the

Catholic Advocate of Massachusetts; and looking at the character, importance and purpose of the bill, we believe he deserves to be called the Catholic Advocate of the United States. We wish that all—yea, even a small proportion of the Catholic lawyers and public men of the United States, were made of such timber as Mr. Donnelly is made of."

These were the words of one whose knowledge of the situation was that merely of a remote observer. In Massachusetts, the scene of the struggle, however, it would be difficult to estimate the feeling of indebtedness of the Catholics towards Mr. Donnelly for his able, dignified and disinterested conduct of their case.

Never flattering, never evading, never timorously qualifying; he was always sincere and fearless in the cause of justice and truth. He used his time and strength for the welfare of others, and his patient labors, manly sympathy and counsel were never marred by selfishness. His great loving heart was not overshadowed by his strong, masterly and disciplined intellect.

After the victory was assured, and the man who had worked so long and faithfully could rest from his labors, the question of remuneration naturally arose, and many were the letters that passed between Archbishop Williams and Mr. Donnelly at this period upon the subject. As compensation for his valuable time alone the latter would have been justified in demanding a large sum for services that had been all-absorbing and that proved to be epoch-making. Mr. Donnelly,

however, not only refused absolutely to accept any remuneration, but in refusing to render a bill for his own services he also made a present to the Catholics of Massachusetts of all the incidental expenses which he himself had assumed.

Computed in dollars this gift represented a very large sum, but computed in dollars the debt can never be. In this one case the Catholics of Massachusetts owe Mr. Donnelly a debt that cannot be represented by a mere money value, and this one case of the school question is only one of many wherein he gave freely of his time, his erudition, and his money in the cause of right.

CHAPTER XII

In his professional as in his personal life the dominating characteristic of Mr. Donnelly was his humanity, and this to some extent overshadowed his work as a lawyer.

The late Edward Everett Hale said that "every man should have a regular avocation as well as a vocation," and with Mr. Donnelly his vocation was his avocation. He entered the legal profession not as a mere means of livelihood, nor with any sordid ambition, but from a love of truth, justice, and humanity, and in his fifty years of professional life he never faltered in his devotion to the highest and noblest ideals.

The commercialism that in late years has marked the careers of many lawyers who have won wealth as well as fame never entered his professional life. He was a lawyer of the old school, believing law to be a science "whose origin is the bosom of God, and whose voice is the harmony of the world," and to every case, great or small, he gave the best of his learning and ability, never allowing the question of compensation to govern his labors. Indeed many of his most stubbornly fought cases were for clients who could not afford to pay him and where, in fact, the entire amount involved would have been insufficient to compensate him for his expenditure of time and labor.

Throughout his whole career he was habitually neg-

lectful about presenting bills for his services, and frequently none were ever rendered. As an illustration may be cited the case of a poor and friendless Swiss, charged with murder, whose defense he undertook with no prospect of a fee. After long and patient investigation he not only satisfied himself of the legal innocence of his client but also convinced the district attorney and the court, and secured a *nol pross* without a trial. Later he paid the expenses of the man to his home in Switzerland and felt amply compensated by the expressions of gratitude in numerous letters from the unfortunate man he had befriended.

Many such instances of services rendered and help extended could be enumerated.

To the discharge of his professional duties, whether in court or in his office, he brought high qualities of head and heart—profound learning, tireless industry, calm judgment, fixedness of purpose, extraordinary powers of persuasion, and an irresistibly charming and winning personality. He possessed that rare combination of the brilliant and successful advocate with the judicial temperament, and he would have adorned the bench as he did the bar.

Never becoming a specialist, his large practice—perhaps as great as that of any Massachusetts lawyer of his day—embraced every branch of the law. While successful before both court and jury he will be longest remembered by the large number of clients who year after year benefited by his counsel and advice, and whose children, upon succeeding to the activities of business life, also sought his friendly guidance. To

many of his clients he was truly the "guide, philosopher and friend" as well as the lawyer and counsel, and held to them as close and confidential a relation as that of the old-time family physician.

Early in his career he became counsel for the workmen in the troubles arising in the McKay and Aldus shipyard in East Boston, and the patient, painstaking and conscientious manner in which he fought for and established their rights and collected the small sums due each of them was typical of his subsequent work when greater and more important interests were confided to him.

To write of the many important cases in which he appeared would extend this chapter beyond proper limits and only a few can be mentioned to show the wide range covered.

Of the law relating to wills and real estate, as in other branches of law and equity, he was an acknowledged authority.

Among his first important clients were John Gibson's Son & Co., and his interpretation of the internal revenue laws passed at the beginning of the Civil War, given as their counsel, was very generally sustained by the courts and aided largely in establishing, early in his career, his high reputation with the bench and bar.

For many years he was counsel for Archbishop Williams and the various charities of the archdiocese of Boston and as such, tried some notable cases, but his most important and delicate duties were rendered as counselor and adviser where his superior powers of diplomacy as well as his ability as a lawyer and his

knowledge of Church history were constantly employed, and to him more than anyone else is due the present friendly relations existing between the Church and the public. His labors in behalf of the parochial schools and Catholic education are treated of in the preceding chapters.

Always a student he had mastered the principles of medicine and the science of medical jurisprudence, as was shown in the case of the widow of a policeman who applied for a pension two years after the death of her husband. The officer had not died in the performance of his duty and the effort of his widow to secure a pension seemed utterly hopeless. Although she was penniless Mr. Donnelly took her case and after patient and laborious investigation discovered that some ten years before his death the officer had, while in the performance of duty, received a severe injury. At his own expense he had the body exhumed and examined by an eminent surgeon, and after a long struggle succeeded in tracing the cause of death to the old injury and in securing the pension for the widow.

This case illustrates in a marked degree his ingenuity, perseverance, and knowledge of medicine, no less than his ever-ready disposition to aid those in distress.

Mr. Donnelly had the reputation of settling more cases out of court than any lawyer of note at the bar, but this was due to no lack of ability as a fighter. When any question of principle or justice or the punishment of a wrong was involved he was powerful and untiring in conducting a fight, and no threats or considerations of policy could swerve him from the path

of duty. Years ago a client had been robbed of merchandise valued at about $6,000 by an organized band of thieves working in conjunction with the notorious "Mother" Mandlebaum, at that time a well-known New York "fence." In spite of the disinclination of his client to proceed, Mr. Donnelly worked persistently for four years, and in the face of repeated warnings and threats of bodily violence finally succeeded in breaking up the gang and recovering the value of a large part of the stolen property.

Again for a client who had been fined a small sum in the police court for removing his boy from a public school, preferring rather to give him home instruction, he, although in poor health at the time, carried the case to the Supreme Court and after trial won a verdict for the defendant. The amount of the fine imposed did not warrant such an expenditure of time and labor, but a principle was involved and that was sufficient to call forth his best effort.

To his many other attractive qualities Mr. Donnelly added a keen sense of humor and in his hours of leisure, which were few, entertained his friends with reminiscences of his long experience. One of these was of a case of some local historical interest tried years ago at Barnstable. Mrs. Le Bau Berger, daughter of Commodore Vanderbilt, during a visit to Cape Cod had become interested in a woman living there, and in a burst of generosity had handed to her bonds to the value of $50,000 and told her she might collect the interest as long as she lived. Upon the death of the woman it was discovered that she had disposed of

the bonds by her will. Mrs. Berger retained Mr. Donnelly, and for the purpose of recovering her bonds he filed a bill in equity in her behalf. The question of fact as to whether the bonds were given in trust or absolutely was submitted to a jury after an unsuccessful effort to obtain a change of venue, and, as sometimes happens, the jury disregarded the law and evidence and divided about equally, as appeared from subsequent disclosures, on a purely local issue. There were on the one side jurors who would never consent to allow the sum of $50,000 to leave the Cape, and on the other those who expressed themselves through one of their number to the effect that if the beneficiary under the will "gets that $50,000 she'll be so stuck up there'll be no living on the Cape with her." Finding themselves thus in hopeless disagreement the jury came in for instructions and asked the court if they could find that the petitioner had given part of the bonds in trust and the balance absolutely. There was, of course, no evidence to warrant such a finding, but the counsel on both sides, seeing the hopelessness of the situation, assented to such an instruction and a verdict was rendered for $32,000, thereby saving to the Cape $18,000 of the $50,000 but at the same time reducing the beneficiary to a more humble state of mind.

With a full realization of his responsibility to his client, abhorring sensationalism in every form, ever concealing the family skeleton from the public gaze, always preferring harmony to discord and peace to strife, Mr. Donnelly invariably counseled settlement and compromise where justice and right permitted;

but when they were at stake there could be no compromise—then he would fight to the bitter end and until victory was won.

In the war for truth, right, justice and humanity he was a brave and gallant soldier, and in every relation of life he was a polished and cultured gentleman.

In 1895 the *Boston Daily Globe* asked several representative lawyers to give their opinion on "How to become a successful lawyer." Mr. Donnelly's response was characteristic in that it expressed the very essence of the creed that he had made for himself and by which he lived and did his work. Under date of December 15, he wrote: "The advice men require who are about to commence the study of law does not differ from that which men should receive in preparing for any calling in life demanding honesty, intelligence, good health and industry. At the outset a student of law should be well equipped in academic studies if he would avoid being handicapped through his career and be compelled to follow usually in the lower walks of the profession. Nature, not the college, makes the man; but a thorough training in the schools will equip him for the work of life as nature never does and never can—I mean the best schools, not those which are institutions of learning in little but name and their parchment certificates of graduation.

"The course of professional studies a man should pursue in preparing for a life to be devoted to law must include not only a sound law school training, but a knowledge of the *modus operandi* of law; a thorough knowledge of the practice, which is only obtainable in

a good law office, for "practice makes perfect," that is, makes a man self-reliant, prompt and ready in his work. The average young physician who neglects, in student life, the hospital clinics and dispensary work, has to fill a good-sized graveyard before he can be qualified to treat the sick judiciously, and any young lawyer without a knowledge of practice is shelved early, or gets his unfortunate clients stranded often before he can pilot one safely through the intricacies of a case of law.

"How to become a successful lawyer involves the varying definitions of the word success. The popular and common idea of success in law practice is solely to have made money. But it would be better for a man never to choose any honorable profession than to follow it with an ignoble end in view, that is, with a view merely to money-making.

"The minister, lawyer, or doctor, having that as his chief aim, will be found untrustworthy in his calling, and his very presence is a menace to the harmony and welfare of the community in which he may live. The minister should be a teacher and comforter; the lawyer the champion of the wronged and exponent of right; the doctor the alleviator of suffering. The really successful lawyer is the man who is learned in his calling and courageous and just in the exercise of it; disposed to settle disputes without undue concessions, rather than to encourage contention. Such a man is entitled to the confidence and respect of his fellow-citizens and must succeed.

"Commercial and industrial pursuits are followed mainly to make money and surround one's self with the comforts and luxuries of life; professional, scientific and literary pursuits afford little encouragement in the way of pecuniary rewards to the body of those engaged in them, no wide field for anything but distinction, and that only to the limited few. Men who, to gratify their inclinations, choose the latter callings, must recognize that they should not be followed in any sordid spirit, and that at the end of a long and successful career they will be fortunate indeed if they have secured a moderate competence in addition to the confidence and respect of the community."

CHAPTER XIII

In 1890, in compliance with the vote of the State Board of Lunacy and Charity instructing Mr. Donnelly as a member thereof to inquire into the differences arising between Massachusetts and other states concerning indigent persons, he prepared a "Report on Burdens of Pauperism, etc., imposed on Massachusetts by other States." It is a well-known fact that at that time Massachusetts annually paid out more than all her sister states in New England combined for the relief and support of those in want and suffering, many of whom had failed for various reasons to acquire a settled residence within her limits. There was a general tendency in the towns of those states adjacent to Massachusetts to avoid the burden of support which they alone should carry, and to place the responsibility and outlay elsewhere. The recommendations contained in this report have since been acted upon by both State and federal authorities.

It was not only the rights of the State he had in mind at this time, but the victims themselves of this condition became his personal concern, and he worked indefatigably in behalf of the stranded poor from Ireland and other countries. Too many of these unfortunates were to be found in the Tewksbury almshouse with a pauper's death and the potter's field before them. His great heart was so touched by such a con-

dition that he inaugurated a system of correspondence between the inmates of the State poorhouses and their friends in Ireland and in other countries, the result of which was the return of many of these inmates to their native land where, through the efforts of Mr. Donnelly, they were enabled to pass their remaining days among their own kindred. He loved the poor emigrant and spared neither time nor money to make his sad lot in life more pleasant.

At the request of the committee of distinguished prelates representing the Catholic Church at the World's Parliament of Religions held at Chicago in 1893 he wrote an exhaustive study of the "Relations of the Roman Catholic Church to the Poor" from its beginning. This was a comprehensive study of the whole subject, and was read before the Parliament by Bishop Keane, rector of the Catholic University of America at Washington.

It was expected that Mr. Donnelly himself would read the paper, but a rearrangement of the program at Chicago caused the date set for presenting the paper to conflict with a very important engagement which Mr. Donnelly had already made. This was no less an occasion than his marriage, which took place in Providence, R. I., September 21, 1893, on the very day upon which Bishop Keane acted as his substitute at the World's Fair. He married Miss Amy Frances Collins, daughter of James and Mary Donnelly Collins of Providence.[1]

[1] Patrick Donnelly, the brother of Hugh, married Mary McCusker. Their children were Dominick, Bernard, James,

With the increasing growth of the Catholic Church it became evident that complications would soon arise in reference to the matter of title to real estate and the efficient administration of affairs regarding ecclesiastical property. With this end in view, for at least ten years prior to 1897, Mr. Donnelly began an agitation looking towards the formation of a Corporation Sole. With characteristic diplomacy and shrewdness he gauged the sentiment of the Legislature with respect to securing such legislation, and perceiving that the time was not ripe in the State of Massachusetts, although several other states had already passed the desired measure, he carried on a campaign of development and education which was conducted with consummate ability and generalship.

In 1897 he drafted the bill to incorporate the archbishop of Boston and his successors a Corporation Sole to hold and manage property for religious and charitable purposes. The archbishop had been deliberating on this matter and was convinced that the course outlined was the wisest to pursue.

The bill as drafted by Mr. Donnelly was submitted to the attorney general who, after giving the matter much consideration, authorized him to say to the committee on mercantile affairs that he saw no objection to it. In spite of strenuous opposition at an extended

Patrick, and Mary. Patrick Donnelly, Jr., was a well-known business man in Providence, where he made his home with his sister Mary who married James Collins. Mr. and Mrs. Collins were the parents of eleven daughters, of whom the tenth, Amy Frances, became the wife of Charles Francis Donnelly.

hearing before the committee Mr. Donnelly obtained a majority report, and afterwards, in spite of even more vigorous opposition, it was carried through both houses and he secured its adoption as law by the signature of Governor Wolcott.

It may seem strange at this day that not many years ago a priest who had forced his way into an almshouse in order to administer Extreme Unction to a dying Catholic was brought before the court on a charge of trespass! Such an incident indeed happened and in consequence Mr. Donnelly immediately set to work to prepare the text of a law which was afterwards passed giving the right to Catholic priests to enter all places where sick and dying Catholics may be found, and also the right to enter all State, city, and town institutions at all times for the purpose of celebrating Mass, hearing confessions, and visiting the sick. As a result of this law regular Catholic chaplains are now duly appointed to the larger public institutions.

Mr. Donnelly was a power in politics in Boston, and might easily have been the first Catholic mayor of the city with non-Catholic Republicans helping to elect him.

He was universally trusted as a model citizen, and admired for his courage and tenacity in presenting the often misunderstood cause of the Catholic people.

But though he possessed and generously used his influence to procure many most creditable Catholic appointments in city and State, he himself never held a public office except the laborious and unremunerated

place of a member of that commission now known as the State Board of Charity.

It would be interesting to trace the causes which led up to the establishment of this board in 1863, the history of the three great State institutions at Tewksbury, Bridgewater and Monson, all of which have since changed in character from the purpose of their primal foundation with the immense growth and change in the population of the State; the gradual evolution of its splendid system of charities, and the wise policy in which Massachusetts led all her sister states in providing proper homes for the State's minor wards; but we are concerned here rather with the immense part which Mr. Donnelly as a leading Catholic had in this magnificent work.

In 1900 his health failed, and from that year onward he began to withdraw, by degrees, from the active practice of his profession, still continuing, however, his interest in the work of the State Board of Charity, and having a more lively sympathy, if such were possible, for the welfare of the poor children in regard to whom some very important questions were pending.

The law forbidding courts to send children under the age of twelve to jail for want of bail or non-payment of fines is the work of Mr. Donnelly also.

It is noteworthy in connection with the services rendered by him for children that he always worked in harmony with the Society for the Prevention of Cruelty to Children, whose agents were always ready to help him in those cases of neglect and of vicious

surroundings which came to his notice and called for interference.

The culmination of his work for Catholic State minor wards was in forwarding the passage of the famous bill of 1905 which secures most positively, definitely and comprehensively the right of every minor ward for whom the State may find a home, that in such a home it shall be brought up in the faith of its parents. Although the bill is framed on the broadest lines of regard for the religious inheritance of children of every creed it is of especial value to Catholics because Catholic children had been the main sufferers in previous years. Even at the time of the introduction of the bill before the Massachusetts Legislature there was still enough of antagonism to it to smother it in committee. Mr. Donnelly, whose health had never been very robust, and who had been really invalided for several years previous, rose from his bed to save the bill. He made it again a live issue, forced it through its successive readings, and had it before Governor Douglas for his signature on the fourth day. While it protects the rights that were especially menaced, those of the helpless and dependent Catholic child, it is equally efficient for the protection of the Protestant or Jew should these be assailed in the domain of freedom of conscience.

About this time the failing health of Archbishop Williams became a source of deep concern to his associates. A serious condition of the eyes necessitated an operation and this alone was one cause for anxiety. Mr. Donnelly was among those who were most af-

fected at the thought of the coming ordeal. The two men had been associated intimately practically for a lifetime. They not only had much in common but their characteristics were the same, and their friendship was deep and unmarred by any differences. The archbishop leaned absolutely on the legal judgment of Mr. Donnelly and felt for him, also, the tenderest affection. The two men, alike, were reserved and undemonstrative, and their solicitude for each other was for the most part expressed in their frequent exchange of letters which were couched in the terms of respect and courtesy of the old school. Upon learning of the contemplated operation Mr. Donnelly betrayed his anxiety concerning the health of his old friend in the following letter:

16 Centre Street, Roxbury, Mass.
Jan. 15, 1905.

MOST REV. JOHN J. WILLIAMS,
Archbishop of Boston,
YOUR GRACE,

I learn that you are about to undergo an operation at the hands of Dr. Haskett Derby, within two or three days. I beg to offer you my sincere wishes that it will be attended with the most happy results, through the mercy and goodness of God, and the prayers of those who are endeared to, and have looked to you as their Pastor, for care and guidance for so many years.

I am confined to my home by rheumatism, or I would personally call and pay my respects to you whom I have always deeply venerated and held in affectionate regard.

Praying for your speedy recovery from the operation,
Yours ever faithfully,
CHARLES F. DONNELLY.

To this the archbishop, having recovered from the operation, replied:

Boston, Mass., March 27, 1905.

DEAR MR. DONNELLY,

Although my eyes are not ready for work, I must thank you for your good letters to me when at the hospital, and thank also Mrs. Donnelly for her kind visits to the hospital during my stay there.

I hope your health is much improved, and with good wishes to yourself and to Mrs. Donnelly,

I remain sincerely yours,

JOHN J. WILLIAMS,
Archbishop of Boston.

Later his Grace asked Mr. Donnelly to write the history of the Catholic Church in the archdiocese of Boston for the Catholic Encyclopedia, an honorable task that Mr. Donnelly would have found extremely congenial, but which, on account of his own delicate health, he was obliged regretfully to decline. In a letter concerning this subject the archbishop took occasion to express anew his oft-repeated grateful appreciation for the services which Mr. Donnelly had given to him and to the cause of Catholicism in Massachusetts.

Boston, May 26, 1906.

DEAR MR. DONNELLY,

The enclosed letter came this morning. Your name came to me at once and I decided that if your health and leisure permitted, you were the proper person for this work, especially for the second part.

Yours of the 23 inst. has been received and I am well pleased to be able to pay my debt to you after such a long time. I am grateful also for all the work done for the diocese for which you send no bill. With the assurance of my sincere thanks.

Yours very truly

JOHN J. WILLIAMS,
Archbishop.

CHARLES F. DONNELLY,
Counsellor at Law,
Ames Building, Court St.,
Boston, Mass.

Boston May 26: 1906

Dear Mr Donnelly

The enclosed letter came this morning. Your name came to me at once and I decided that if your health and leisure permitted, you were the proper person for this work, especially for the second part —.

Yours of the 23d inst has been received and I am well pleased to be able to pay my debt to you after such a long time — I am grateful also for all the work done for the diocese for which you send no bill. With the assurance of my sincere thanks —

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Archbp.

Charles F Donnelly
Counsellor at Law
Ames Building, Court St
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The last of the archbishop's infrequent visits to any private house was to that of Mr. Donnelly early in the previous June.

On the last day of August following (1907) the Most Rev. John J. Williams, D.D., who had governed the archdiocese of Boston for forty-one years, passed away in the eighty-sixth year of his age.

His death was a keenly felt bereavement to Mr. Donnelly, who had been so long and closely associated with him as his chief legal adviser and as a trusted friend.

Those who knew Mr. Donnelly best realized that his health was indeed grievously impaired when he closed his long connection with the State Board of Charities. Early in June, 1907, he sent in his resignation to Governor Guild.

"YOUR EXCELLENCY:—In September, 1875, the late Governor Gaston chose me to fill an unexpired short term of a citizen of the State, the late Samuel G. Howe. At the formation of the Board of state charities in 1863, being the first state commission in this country empowered to exercise the functions of such a body, Dr. Howe was elected its chairman and so continued until the termination of his membership. He sought, toward the end of a career governed by noble aims and impulses, well-earned rest, at last, from public service and duty, from his early youth, beginning with his efforts in the struggle for the independence of Greece, to the close of his unceasing labors for the alleviation of the poor and suffering of his own beloved state.

"From my appointment to the Board, I have continued a member through all its mutations ever since, except during a brief period of the administration of Governor Butler, and have endeavored during the time of my service to discharge the several official duties incumbent on me faithfully, in common with those with whom I was associated. The remembrance of one honor conferred on me for several years successively by

my associates on the Board I shall always cherish; and that is their election of me to the chairmanship of the Board, cordially and generously, all differing from me in religious belief, but recognizing, in the true spirit of Massachusetts citizenship, the fundamental rights we hold to in common as Americans in the broadest, fullest and truest sense and meaning of the term.

"With unfeigned regret that the condition of my health renders it imperative on me to retire from further service on the Board and with the utmost respect and esteem for Your Excellency, I have the honor to remain

"Yours faithfully,

"CHARLES F. DONNELLY."

To this Governor Guild on June 5 replied as follows:

"DEAR MR. DONNELLY:—It is with unfeigned regret that I learn that the condition of your health renders it necessary for you to retire from the State Board of Charity. For no other reason could I be persuaded to accept the resignation of one whose labors of love on this important commission have been of such high value to the Commonwealth.

It is given to few to serve for a full generation one of the most important of our State Boards. It is given to fewer to fill that generation with such useful work as you have performed for the Commonwealth. Your clear understanding, keen sense of justice and tender sympathy for the suffering have found full scope in this important position.

In retiring from the Board, be assured that you carry with you not merely the gratitude and the high esteem of one who happens to hold the position of Chief Executive at this time, but also, I feel sure, the warm respect and regard of every citizen of this Commonwealth.

Very sincerely yours,

CURTIS GUILD, JR.

It would be difficult to find a more just and more appreciative tribute than this of Governor Guild who most reluctantly, and not without earlier protest when it was foreseen, accepted Mr. Donnelly's resignation.

In his long and earnest struggles Mr. Donnelly

naturally had to create personal antagonisms. But as time went by, and the sense of justice was aroused, many who had been his fiercest opponents became his warmest admirers.

The *Springfield Republican,* which openly opposed him in past days, said: "Mr. Donnelly as a lawyer and a Bostonian has maintained a faithful level of service, and possesses that tact which has enabled him to work well with the notable associates he has had on the Board of Charity under its several changes, all of them positive and individual, but all fair-minded and concerned for the service of the people."

The *Boston Transcript* wrote as follows: "The public verdict of 'well done, good and faithful servant' is likely to follow Charles F. Donnelly upon his retirement from the State Board of Charities, where he has served the Commonwealth and the people for practically a generation. The position is one in which the discharge of its duties is likely to challenge criticism, and a public servant who can occupy it for more than thirty years and leave it with as clean a bill of official health as in the case of Mr. Donnelly has reason for large satisfaction. He has enjoyed the confidence of his associates and all who have had business with the board, and has earned the rest that is one of the rewards of faithful service."

CHAPTER XIV

This memoir has been devoted thus far to the serious interests which absorbed Mr. Donnelly's life, representing only the lawyer and the philanthropist, who was always the vigorous and assertive Christian and patriot. The work would be incomplete, however, without some expression of the more intimate aspect of the man.

His ideas of rectitude were of the highest; he was most compassionate to the weak, always looking for a possible good intention behind a doubtful act, and discouraging harsh censure or criticism even where it was merited. Moral weakness in men of great advantages, especially when it showed itself in meanness and treachery, was most abhorrent and well-nigh incomprehensible to him. But while he refused to have personal relations with the untrustworthy it would be easy to multiply instances of the noblest magnanimity in his dealings with such characters. No fault or failing on the part of the person who needed his influence or direct assistance would stay his helping hand. Averse by temperament from anything of an unkind nature he was always tolerant of human frailties and was the kindly interpreter rather than the harsh judge—the type of the "just man" of the Scriptures.

His work on the State Board of Charities stands as

a monument to his courage, self-sacrifice, and fidelity to duty in the care of the sick and the unfortunate.

To the non-Catholic public he stood as the highest type of citizen and official, and many of these lost by degrees their inherited attitude against the Catholic faith chiefly because in Mr. Donnelly's daily life and methods were embodied the refutation of all that had hitherto been associated in their minds with Catholics. His influence was far-reaching, but it was always exercised for others and never for his own financial aggrandizement. He would succeed in placing the man or woman needing employment after the efforts of the men who were most visible and eloquent in public affairs had failed. He estimated a man's fitness for what he sought very quickly and accurately, but he never held out promises nor compelled the applicant to seek him again and again. The latter's knowledge of the progress of his case was often conveyed by a telegram summoning him to the work he had been seeking.

Because of the character of his practice and associations it was commonly supposed that Mr. Donnelly was very wealthy, but to a man of his disposition the acquisition of riches was simply impossible. He was constantly giving, and his fees were very moderate. A claim was never pressed where it might occasion the slightest hardship, and the debts which out of kindness or delicacy he allowed to lapse would represent a goodly fortune.

A man of the world and a shrewd lawyer, he brought unworldliness, or rather, other-worldliness into every

detail of his profession. He had an apostolic zeal for the salvation of souls, as well as an American determination to secure parental and citizen rights for the humblest.

During the last few years of his life, when physical depression was frequent, he would rally at the call of friendship or charity and accomplish as great things for the individual or cause as in his prime.

All through life he exercised a personal magnetism over all sorts and conditions of men despite the courtly reserve and dignified manner which impressed one at first acquaintance. Hence there were at all times men to coöperate in his plans and they acquired something of his own noble and disinterested spirit by so doing.

Boston was the city of his choice and warmest affection, and the field of his labors, but most of his numerous kindred resided in Providence and among them he sought from time to time a little rest from his manifold cares. Old and young among them looked up to him as to a tower of strength and an unfailing wellspring of affection.

Mentally as well as physically he resembled his mother, a handsome woman of remarkable mind who retained throughout life, even amid the cares inseparable from a large family, her fondness for intellectual pursuits. She attained the great age of ninety-two and always received from her son the tenderest care and utmost deference. For the last ten years of her life she resided with him. He delighted in her long life, her undiminshed mental vigor and keen interest

in events, and her lightest wish was as a command to him.

Mr. Donnelly was taller than the average man; his figure was slender and he carried himself very erect; his eyes were blue-gray and very expressive. From these windows of the soul the inner man was revealed —each changing mood disclosed. His hair was a pleasing shade of brown which advancing years touched with silver. He was scrupulously particular in matters of dress, adopting early in life a conservative style which suited him and always conforming to it. This individualism and fastidiousness, together with his dignity of carriage, were contributing factors towards his distinguished appearance. His aspect was commanding and he attracted attention in his daily life, as he appeared in court or on the street. He had a pleasing speaking voice, the tone being musical and soothing, and his enunciation was very distinct. His singing voice, a tenor, although uncultivated was equally pleasing, and although he never was in the habit of singing alone yet he often joined in a chorus when a group of friends were singing the melodies he loved so dearly. Mr. Donnelly was a brilliant and interesting conversationalist, and what is much less common he was a courteous and kindly listener. Always ready with an anecdote to suit every subject, and remarkably quick at repartee, he aroused others to mental activity with his epigrams and the stimulating freedom of his thought. His sentences were wonderfully apt and, as he had a marvelously retentive memory, his reminiscences, extending over a lifetime, were

interesting and valuable in the extreme. Obviously his letters contained matter of more than passing moment, but those that have been kept, penned for the proper discharge of business or for description of travels, are for the most part of too personal a nature to justify their publication. In these, as in other forms of composition, Mr. Donnelly revealed the poet's delicate perception of the subtlety of verbal expression. His handwriting was characteristic—at times not easily decipherable, but of distinct individuality.

Mr. Donnelly was so hard a worker and so absorbed in his many philanthropic interests as well as in his regular professional duties that it was with great difficulty he could be persuaded to take the holidays demanded by his failing health. For many years he had not been robust and in 1900 a severe rheumatic attack left him with health much impaired. As soon as he was strong enough to withstand the journey he visited the noted Hot Springs in Virginia, and in the following year (1901) went to Sharon Springs, New York, and also to Mt. Clemens, Michigan. On all of these trips he was accompanied by Mrs. Donnelly. In 1903, his health still remaining poor, they went again to the Virginia Hot Springs. Here as elsewhere he was the center of an appreciative group. The hotel piazzas afforded a convenient meeting place and casual acquaintances were charmed with the dignified, courtly Northerner who proved to be such a genial and entertaining companion.

In a further effort toward regaining health Mr. Donnelly went to Battle Creek to take the treatment

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MR DONNELLY'S COTTAGE AT CROW POINT, HINGHAM, MASS.

in the sanitarium, but it was difficult to impress upon him the necessity for care and caution. He did not appear to realize the need of giving thought to himself; but little by little, and under the gentle compulsion of home influences, he had to yield to something of his own needs.

At his home his hospitality was that of a gentleman of the old school. Those who were of the inner circle of his friends weary not in recalling his consideration and minute solicitude regarding them and his unfailing cheeriness even after his health had begun to fail. Among his most welcome visitors at this time was his old friend and adviser, Dr. H. H. A. Beach, the noted Boston surgeon, whose magnetic personality imparted a feeling of strength and whose congenial conversation was most diverting.

For twenty-two years Mr. Donnelly made his summer home at Crow Point, Hingham. The house while in no way pretentious was most comfortable and homelike. A wide veranda encircled the house and was, in fact, the living room of the family. A luxuriant vine of the native clematis, or bridal veil, was trained over the entrance, with its masses of delicate white blossoms delighting the eye. Here in this quiet home, after the fatigue of a day in the city, he found rest and relaxation amidst surroundings eminently congenial.

As a boy he was fond of outdoor sports such as skating, rowing, walking and fishing, and in maturer years his enjoyment of the last three continued unabated. While a student at the Harvard Law School it was his custom to explore every bend and turn of

the winding Charles River, and even after he began the practice of his profession he continued to row on the same river and was in the habit of repairing thither in the afternoon after the work of the day was over. This custom was discontinued only when in later life it became evident that he suffered from a serious affection of the heart. For many years he had been in the habit of spending a few weeks at Saratoga, or in the White Mountains. Often he would make a short trip to Gloucester for the purpose of fishing, or to Wachuset Mountain for a walking tour. As an ardent lover of nature it was his delight to wander leisurely through the country-side, or by the ocean, stopping from time to time to question a farmer concerning his horses or cows, or inquiring as to the state of his crops. He knew the life of the fisher-folk and was ever interested in gaining an intimate knowledge of the condition of those who lived near to nature.

To a man of such interests Crow Point afforded much happiness. In the beginning he bought the home there for the benefit of his mother, and it proved a source of much pleasure to his friends and family.

In 1894, and during his mother's lifetime, he arranged to have Mass celebrated in his own home at Crow Point. Holy Communion was administered by Father Neagle, and five aged ladies received the Sacrament.

Many years prior to this, in 1870, Mr. Donnelly was instrumental in having a Catholic service conducted at Hull, the first instance of this ever having been done at this place. The celebrant of the Mass on this occa-

sion was Father James A. Healy, later Bishop of Portland, Me., and the Catholics were enabled to hold their services through the courtesy of a Methodist congregation that let them have the use of their church building and alternated with them in holding service.

Many neighbors looked forward to the coming of Mr. Donnelly to Crow Point as something needed to make the summer complete. The cordial handclasp, the pleasant greeting and his kind words of advice were appreciated by both old and young. Even the mention of his name was always associated with something pleasant.

With all his innate dignity he dearly loved children, and they were invariably attracted to him. While always respectful toward him they were unconstrained and natural in his presence. His niece and godchild made her home with him during the summer months and he found both pleasure and recreation in watching the development of the young girl who loved and reverenced him as a father. The devotion of the little daughter of one of his neighbors was especially beautiful. The child felt that she owned him and her jealousy was very apparent when others monopolized his attention. She loved him from babyhood, would go to him from her nurse's arms, and he was her own best loved mate. His interest in young people extended to any young man of promise. Those who were employed by him in any capacity all speak of him in terms of absolute devotion. In his office he commanded respect and expected unquestioned obedi-

ence, but he inspired affection also in those who served him.

During his whole life Mr. Donnelly was deeply interested in the history of Ireland and in the folk-lore of the people. This extended to a study and intimate knowledge of the genealogy of the various stems of the Irish race. He made a valuable collection of books on these subjects and, as he was essentially a home man, many of his evenings were spent in studies of this nature. Of late years nothing pleased him more than to find some book relating to these subjects and which could be considered authoritative. When such a book was brought to his notice it was his custom to order hundreds of copies and distribute them widely to such friends and acquaintances as he knew or hoped would be interested in the subject.

He was also intensely interested in the Irish renaissance, but he did not consider practicable the revival of the Gaelic language as a spoken tongue.

Mr. Donnelly was never a clubman in the ordinary acceptation of the term, but with his varied interests he became a member of numerous associations. He was a proprietor of the Boston Athenæum and of the Social Law Library; a member of the Union Club; director of the Home for Destitute Catholic Children and of the Society for the Prevention of Cruelty to Animals; president at one time of the Charitable Irish Society; counsel for the Carney Hospital; member of the Examining Committee of the Boston Public Library, 1889-1900; and a member of the Inglewood Fish and Game Club of St. John, New Brunswick.

CHAPTER XV

The beginning of 1908 found Mr. Donnelly very low in health although his mind retained all its vigor and keen interest in affairs. A slight cold precipitated a crisis, and on February, his life was despaired of. Doubtless through the prayers of the countless beneficiaries of his good works the crisis slowly passed.

It was eminently characteristic of the man that before he was yet allowed to sit up and when conversations of ten minutes were grudgingly allowed by his physician he began to settle a difficult problem for an old friend, and had the whole matter adjusted before he had recovered sufficiently to go to his summer home at Crow Point.

Here his apparent gain was great. He lived as much as possible in the open air, and had not in several years appeared so strong and hopeful. The group of friends who knew him most intimately and whose society he especially enjoyed began to take comfort in recalling the longevity of his family—his mother having attained the age of ninety-two at the time of her death, and another relative, that of ninety-four. Now with the cares of office and of business so greatly lightened there was every reason to hope that Mr. Donnelly might be spared.

On his return to Boston the improvement continued. He looked younger and better than in years before,

and he entered with much of his old zest into the cares of his friends, and was as quick as ever to solve a difficulty or lighten a burden.

Then, early on the morning of Sunday, January 31, 1909, without premonition of any kind, he passed to his well-earned rest.

It was a sudden death, but he was well prepared. All through his life Mr. Donnelly had not only fought for his faith, but, a vastly harder task, had lived for it. During his years of invalidism he drew strength to endure his sufferings from much prayer, devout reflection and frequent Sacraments; even as these in his stronger days had been the hidden sources of his power to achieve so much for the cause of God and his fellow creatures.

During the three days that his remains lay placid in death hosts of men and women of every condition came to look their last on him, the aged poor, the struggling and the world-forsaken, deploring with bitter tears the passing of a friend on whose like they would not look again.

The Solemn Mass of Requiem at 10 A.M., on Wednesday, February 3, at All Saints' Church, Roxbury, was celebrated in the presence of the Rt. Rev. John Brady, D.D., auxiliary bishop of Boston, and the Rt. Rev. Mgr. Thomas Taaffe of Brooklyn, N. Y., by the rector, the Rev. Charles W. Regan, who had been for years in closest spiritual relations with the lamented dead.

The Rev. Richard Neagle, P.R., Church of the Immaculate Conception, Malden, Mass., an intimate

personal friend of the departed and associated with him on the "Home" Board, a witness in the memorable school contest and victory, preached.

His text was taken from second Timothy, Chapter IV, verses 7 and 8: "I have fought a good fight; I have finished my course; I have kept the faith.

"For the rest, there is laid up for me a crown of justice, which the Lord, the just Judge, will render to me at that day."

The priest said: "The funeral service of the Church is not a eulogy of the dead, but rather a cry to the God of justice and mercy and love to have pity on the poor soul standing naked before the judgment seat. We come here not to praise the friend whom we have lost, but to pray for him, to join in offering the Holy Sacrifice of the Body and Blood of Christ, which was first offered on the cross of Calvary for the sins of the world.

"But now, before the last prayers of the Church are said, and all that is mortal of our friend is borne away to its last resting place to await the resurrection, Holy Mother Church permits us to pause for a moment and take the measure of our loss in the taking away of this good man and faithful servant of God. It is not for his sake—for no words of praise from us can now help or harm him—but for our own edification and spiritual good.

"It is an old saying, and a true one, that no man is necessary in this world, that God's work can go on without us, and it is a wholesome thought to keep us humble. But at the same time some men are doing

so great a work in the world and filling so large a space that when they are taken away they leave a great void behind them for a long time—and for many years Mr. Donnelly held such a place in our civic and religious life.

"In seniority he must have been among the elders of his honored profession, for few, indeed, of the lawyers of Boston can have surpassed his long service of fifty years. In force of character, in mental endowment, in scholarly training, in clearness of vision, in precision of statement, in profound knowledge of the principles of law, in love of his profession as an instrument for advancing the reign of justice among men, you of his brothers and associates will, I am sure, agree that he was among its foremost strong men.

"But his gifts, his zeal and activities were not confined to the limits and demands of his profession. Nothing human was foreign to him. He felt most keenly the wrongs of the land of his fathers, the dear old Emerald Isle, and he could wax eloquent in telling the story of her brave fight against foreign tyranny, her unbroken spirit of nationality, her undying religious faith.

"But what appealed most urgently to his heart was the cry of the orphan and neglected child right here at home. About forty-five years ago, toward the end of the war, it became evident that provision must be made for the great number of children who, directly or indirectly, were left homeless by that four years' struggle, and among the first to see the demand for shelter and protection for the little ones was Charles F.

Donnelly, then a young man—young in years, but mature in wisdom.

"With several well-known Catholics he helped to found the Home for Destitute Catholic Children, and to the last he remained a member of the board of directors—the last of the founders. And the Home which he helped to establish, and which owes so much to him, has gone its way all these years, spreading its sheltering arms over some 30,000 little ones and doing, I think, a greater work for children than any private charity in these parts.

"Mr. Donnelly acted as Archbishop Williams' legal counsel for over forty years, and was especially prominent in the famous school cases before the Massachusetts Legislature. That was about twenty years ago, but it seems much longer; so happy a change has come over non-Catholic opinion, so well now is understood the value of the schools to the State as well as to the Church.

"It was beautiful to see the relations that existed between these two great souls—the good archbishop whom we have not yet ceased to mourn, and Mr. Donnelly. Neither was much given to demonstrations of friendship, but many a time have I heard each speak of the other in terms of the warmest appreciation and admiration. Though their lines were cast in different places there was much in common between these two friends. They both had the same serene dignity, gracious and gentle, but never descending to familiarity. Both were utterly disinterested men, thinking not of themselves but of the welfare of others, not self-seek-

ing, putting away rather than reaching out for honors and distinctions.

There was a time when high public office might have come to Mr. Donnelly if he had cared for it, but the only civic office he ever filled was one in which the duties were congenial to the promptings of his heart, and he gladly served the Commonwealth on the State Board of Charities for some thirty years.

"All this public service and the duties of his profession brought him in touch with all kinds and conditions of men, with men of different religious opinions and men of no religion at all. And while he could be 'all things to all men' in charity, he was not the man to trim or minimize or compromise in matters of Catholic faith. He knew his religion thoroughly and could give a reason for the faith that was in him. He had a strong man's contempt for the weakling who has not the courage to defend the truth revealed by God. To his dying day he could make from his heart the simple act of faith which he learned as a child at his good mother's knee. In this faith he lived and in this faith he died. He has fought the good fight, he kept the faith, and we may well trust that he will receive the promised crown.

"And now, my friends, surely you have not spent this half hour here in the presence of death without some reflection on the awful, solemn facts of life and death, the judgment, heaven and hell, the resurrection and eternity. And if God has put these thoughts into your minds and hearts, do not reject them, as you value your immortal souls. Take them with you as a shield

and protection against the enemies of your salvation. Live always in the presence of God and with a lively sense of responsibility to Him, that so you may not be wholly unprepared when the time comes—as come it must, sooner or later—for you to die and go before the judgment seat of Christ."

After the funeral innumerable letters expressive of sorrow and sympathy were received from widely different sources by members of the home circle. Old friends, business associates and recipients of favors all manifested a sense of personal loss. From schools, convents and institutions came the acknowledgment of indebtedness both for wise advice received from the brilliant lawyer and the tangible favors of the tender-hearted philanthropist.

Notices descriptive of his life and work appeared in the columns of the press even as far distant as California, and resolutions of condolence were sent to Mrs. Donnelly from the various societies and organizations in which he had taken an active interest. The State Board of Charity sent resolutions as follows:

Commonwealth of Massachusetts
State Board of Charity
State House, Boston, February 1, 1909.

At a special meeting of the State Board of Charity, held this day at the call of the chairman, announcement was made of the death of Charles F. Donnelly, for thirty years a member of the board, and for some time its chairman. It was unanimously voted that the following minute be entered on the Board's records:

It is with sincere regret that we, members of the State Board of Charity here present, learn of the death of our most highly valued friend and former fellow-member. Identified with the

charitable and reformatory interests of the Commonwealth, as well as with deserving and successful private charities, during a large part of his active life, he gave to these interests his time, thought, and labor, ungrudgingly. He gave, too, not in the way of formal service, but in all sincerity, and out of a hearty concern in the public and private welfare. His death is a great loss, not only to his many personal friends, but to the poor whom he so constantly befriended, and to the community at large.

To the widow of our late associate, and to his surviving relatives, we extend our heartfelt sympathy.

JOHN D. WELLS,
Clerk of the Board.

The following resolutions were received from the Massachusetts Society for the Prevention of Cruelty to Animals:

The Massachusetts Society for the Prevention of Cruelty to Animals

Boston, February 17, 1909.

MRS. CHARLES F. DONNELLY,
16 Centre Street, Roxbury, Mass.

MY DEAR MRS. DONNELLY:—At the regular meeting of the Directors of The Massachusetts Society for the Prevention of Cruelty to Animals, held to-day, the following resolution was unanimously passed:

RESOLVED: That we deeply sympathize with the family and many personal friends of Charles F. Donnelly, Esq., recently deceased—a man eminent in various ways and universally respected.

Yours cordially,
GUY RICHARDSON,
Secretary.

The Directors of the Home for Destitute Catholic Children, the institution of which Mr. Donnelly was one of the founders and with which he had been so closely identified throughout his life, sent the following memorial.

At a meeting of the Directors of the Home for Destitute Catholic Children held March eleventh, A.D., nineteen hundred and nine, the following vote was adopted, and ordered to be entered upon the records of the Corporation:

Death has again entered the ranks of the Directors of the Home, and has taken from us Charles F. Donnelly, one of the founders of the Home in 1864, and who for the long term of forty-five years has been an able and influential member of the Board.

It was mainly through his foresight and great charity that the Home was established and it was largely through his untiring labor and devotion to it in its early years that the Home has so successfully carried out the purpose of its formation; and the great work of the Home is a monument to his unceasing labor in its behalf.

He was an able man in the profession of law and literature, and during his long life he was preëminently the leading Catholic of our great city and state, in his unselfish devotion to works of charity.

He was a generous benefactor, cheerfully sacrificing his time and energy to the advancement and to the defense of charitable works.

He was of a most modest, retiring disposition, an honorable man, a loyal friend, a generous helper of the unfortunate, and through his long and successful career, won and retained the high esteem of the bench, the bar and of his fellow-citizens.

We deeply feel his great loss to the Home, and will ever hold in reverence his shining example of an unselfish, earnest and useful life, and his great service to the community, feeling assured that he has gone to receive the great reward so richly earned in his long and honorable life.

Committee on Resolutions, { JAMES W. DUNPHY, JOHN P. MANNING, WILLIAM J. PORTER.

This memorial was most artistically penned by Mr. Frank L. Wells.

After all such expressions of appreciation of his goodness, love for the man and grief at his loss,

had been received another letter, addressed to Mr. Donnelly, was opened and read by his wife. This proved to be as high a tribute to the character of the man who had gone as any of the actual letters of condolence. In a far-distant city an old man had been thinking of his youth, and not knowing that the friend identified with those far-off years was no longer alive he had followed an impulse to communicate with him. The letter, coming at this time, proved a peculiar and touching tribute to the memory of Mr. Donnelly inasmuch as it revealed the fact that his character in young manhood's prime had been identical with that of his maturer years.

The friend of long ago, under date of April 18, 1909, wrote:

"DEAR CHARLES: I address you as if our intimacy had continued without a break since the middle of the last century, which in fact was the time it began. . . . You perhaps ask why should I on its account trouble a business man with a matter trifling to him? My only reason is that it has occurred to me that when two men travel part of a long journey in company for a little distance and good is communicated from one to the other before their roads diverge, the separation lasting nearly to the end of the journey, it becomes then, in some sort, the duty of the recipient of the good to apprise his quondam associate of the good which he has done him.

"During the long traveling after we separated—fifty-two years—the good impressions (never evil) of those few years in your company have surely helped me on the long road since then.

"I hail you again, dear Fellow Traveler. I hail you as one who probably has helped hundreds of others by your society and perhaps many of them have felt all right about your goodness but have not thought of telling the benefactor. It has seemed to me that to let you know what good you have done to me can do you no harm and may do you some good. I have acted on this in writing to you. Forgive me if I have erred."

Favors among men are usually soon forgotten, yet gratitude should be one of the virtues most cultivated.

"He that hath nature in him must be grateful,
'Tis the Creator's primary great law
That links the chain of beings to each other."[1]

Gratitude arises from two other virtues: truth and justice. After an intimate consideration of the character of Mr. Donnelly it is obvious that his own marked attributes were truth, justice and gratitude. These, too, were the virtues he most appreciated in others, and nothing was more sacred nor more highly valued by him than gratitude.

Had he lived to receive the expression of appreciation from his whilom friend he would not have considered that he had erred in writing, for the grateful remembrance would have been more highly prized than any gift of great intrinsic value. Throughout the whole of his career his work was in behalf of truth and justice and his life was dedicated to making them prevail.

The life of such a worthy character is not soon forgotten, and his kind deeds and noble example will live in the hearts and minds of many for generations to come.

[1] (Madden's Themistocles.)